

Determination to go to War before Congressional Authorization

There are numerous, documented facts now in the public record that indicate the Bush Administration had made a decision to go to war before it sought Congressional authorization or informed the American people of that decision.

Our investigation shows that while the roots of this decision existed even before George W. Bush was first elected president, it became a foregone conclusion in the aftermath of the September 11 tragedy. Due to the release of the so-called “Downing Street Minutes” materials, we are now able to confirm that there were agreements between the Bush and Blair governments in the spring and summer of 2002 to go to war in Iraq. Further evidence of that agreement to go to war exists by virtue of the Bush Administration’s marketing campaign to sell the war to the American people commencing in the fall of 2002, and the efforts to use the United Nations as a pretext to go to war later in 2002 and early in 2003.

Even though the Administration had begun planning an invasion of Iraq, the President and senior Administration officials continued to issue public denials regarding this effort, including misleading statements made before Congress:

- September 8, 2002: Vice President Dick Cheney insists that “first of all, no decision’s been made yet to launch a military operation.”⁵⁹
- September 16, 2002: US Secretary of Defense Donald Rumsfeld states “The President hasn’t made a decision with respect to Iraq. Didn’t I say that earlier? I thought I said that.”⁶⁰
- September 19, 2002: Secretary of State Colin Powell states, “Of course, the President has not decided on a military option . . . nobody wants war as a first resort . . . [n]obody is looking for a war if it can be avoided.”⁶¹
- October 1, 2002: The President made the first in a series of statements, “Of course, I haven’t made up my mind we’re going to war with Iraq.”⁶²
- November 7, 2002: “Hopefully, we can do this peacefully — don’t get me wrong. And if the world were to collectively come together to do so, and to put pressure on Saddam Hussein and convince him to disarm, there’s a chance he



may decide to do that. And war is not my first choice, don't — it's my last choice.”⁶³

- December 4, 2002: “This is our attempt to work with the world community to create peace. And the best way for peace is for Mr. Saddam Hussein to disarm. It's up to him to make his decision.”⁶⁴
- December 31, 2002: “You said we're headed to war in Iraq — I don't know why you say that. I hope we're not headed to war in Iraq. I'm the person who gets to decide, not you.”⁶⁵
- January 2, 2003: “First of all, you know, I'm hopeful we won't have to go war, and let's leave it at that.”⁶⁶
- March 6, 2003: “I've not made up our mind about military action.”⁶⁷
- March 8, 2003: “We are doing everything we can to avoid war in Iraq. But if Saddam Hussein does not disarm peacefully, he will be disarmed by force.”⁶⁸
- March 17, 2003: “Should Saddam Hussein choose confrontation, the American people can know that every measure has been taken to avoid war, and every measure will be taken to win it.”⁶⁹

Avening the Father and Working with the Neo-Cons

Our investigation has found, in retrospect, there were indications even before September 11, 2001 that President Bush and key members of his Administration were fixated on the military invasion of Iraq, regardless of the provocation. A key piece of the puzzle was revealed in a series of interviews between then-Governor Bush and writer and long-time family friend Mickey Herskowitz when, according to Herskowitz, Mr. Bush stated:

“One of the keys to being seen as a great leader is to be seen as a commander-in-chief. . . . My father had all this political

“From the very beginning, there was a conviction that Saddam Hussein was a bad person and that he needed to go. It was all about finding a way to do it. That was the tone of it. The president saying, ‘Go find me a way to do this.’”

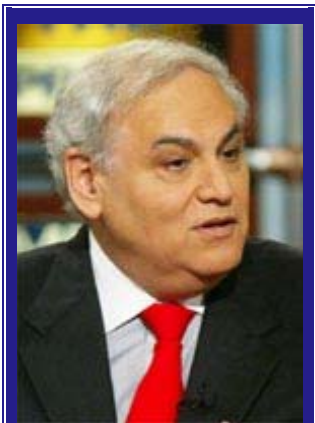
-----January 11, 2004, Paul O'Neill, “60 Minutes”⁷⁰

capital built up when he drove the Iraqis out of Kuwait and he wasted it. . . . If I have a chance to invade . . . if I had that much capital, I'm not going to waste it.”⁷¹

According to Mr. Herskowitz, George W. Bush's beliefs on Iraq were based in part on a notion ascribed to now-Vice President Dick Cheney: “Start a small war. Pick a country where there is justification you can jump on, go ahead and invade.”⁷²

In addition to Mr. Bush's apparent belief that a successful military invasion could cause him to be seen as a great leader, additional possible motivations include responding to those right-wing critics who blamed his father for not entering Baghdad during the first Gulf War,⁷³ and achieving revenge for Saddam Hussein's reported plot to assassinate his father. Discussing Saddam Hussein, on September 26, 2002, Bush declared: “After all, this is the guy that tried to kill my dad at one time.”⁷⁴

It is also significant that key members of the Bush Administration were part of a group of so-called “neo-conservatives” or “neo-cons” who were dedicated to removing Saddam Hussein by military force. The notion of toppling Saddam Hussein and his regime dates as far back as the 1990s, when it had been a priority of a circle of neo-conservative intellectuals, led by Richard Perle, a former Assistant Secretary of Defense under President Reagan, and Paul Wolfowitz, an Undersecretary of Defense for Policy under President George H.W. Bush.⁷⁵ The neocons did not have the power to effectuate their goals during the Clinton Administration, but they remained tied to one another and to Dick Cheney through a number of right-wing think tanks and institutes, including the Project for the New American Century.



Richard Perle: Former
Chair, Defense Policy Board

On January 26, 1998, the Project for the New American Century issued a letter to President Bill Clinton explicitly calling for “the removal of Saddam Hussein's regime from power.”⁷⁶ Foretelling of subsequent events, the letter calls for the United States to go to war alone and attack the United Nations, and instructs that the United States should not be “crippled by a misguided insistence on unanimity in the UN Security Council.”⁷⁷ The letter was signed by 18 individuals; ten of them, including Donald Rumsfeld and Paul Wolfowitz, became members of the current Bush Administration. Other documentary evidence of the neocon vision for an invasion is manifested by the December 1, 1997 issue of the *Weekly Standard*, a conservative magazine, which was headlined by a bold directive: “Saddam Must Go: A How-to Guide.” Two of the articles were written by current Administration officials, including Paul Wolfowitz.⁷⁸

In September 2000, a strategy document commissioned from the Project for a New American Century by Dick Cheney, argued that “[t]he United States has for decades sought to play a more permanent role in Gulf regional security. While the



unresolved conflict with Iraq provides the immediate justification, the need for a substantial American force presence in the Gulf transcends the issue of the regime of Saddam Hussein.”⁷⁹

There is other evidence from within the highest levels of Bush's cabinet of an early fixation on invading Iraq. On *60 Minutes*, former Bush Treasury Secretary Paul O'Neill reported that as early as January 30, 2001, members of the Bush Administration were discussing plans for Saddam Hussein's removal from power: “From the very beginning, there was a conviction that Saddam Hussein was a bad person and that he needed to go. It was all about finding a way to do it. That was the tone of it. The president saying, ‘Go find me a way to do this.’”⁸⁰

This fixation on war with Iraq would seem to explain why, from the very beginning of the Bush Administration, key officials were consulting with outsiders on possible replacements for Saddam Hussein and contemplating possible means of exploiting Iraqi oil fields. For example, in February 2001, White House officials discussed a memo titled “Plan for post-Saddam Iraq,” which talks about troop requirements, establishing war crimes tribunals, and divvying up Iraq's oil wealth.⁸¹ During this time, Iraqi-born oil industry consultant Falah Aljibury was asked to interview would-be replacements for a new US-installed dictator. As Mr. Aljibury stated, “It is an invasion, but it will act like a coup. The original plan was to liberate Iraq from the Saddamists and from the regime, to stabilize the country.”⁸² In March of 2001, a Pentagon document titled, “Foreign Suitors For Iraqi Oilfield Contracts” was circulated.⁸³ The document outlines areas of oil exploration and includes a table listing 30 countries that have interests in Iraq's oil industry. The memorandum also includes the names of companies that have interests and the oil fields with which those interests are associated.⁸⁴

September 11 and its Aftermath: Beating the Drums for War

It was the September 11 tragedy that gave the President and members of his Administration the political opportunity to invade Iraq without provocation. It was also in the immediate aftermath of September 11 that it became clear that the President had made up his mind to invade. We know this now for several reasons – we have first-hand evidence concerning President Bush's intentions; we have direct evidence concerning the intent of other senior members of his Administration; we have information provided through high-level Administration sources; and we have documentary and other evidence concerning specific actions taken by the United States

*“F*** Saddam. We're taking him out.”*

-----March, 2002,
President George W.
Bush, poking his head
into the office of
National Security Adviser
Condoleezza Rice.⁸⁵



military that brought our nation on the verge of war with Iraq before Congressional authorization was sought.

Donald Rumsfeld began pushing for retaliatory attacks against Iraq almost immediately after the September 11 attacks. *CBS News* reported that at 2:40 p.m. on September 11, Secretary Rumsfeld stated: “[I want the] best info fast. Judge whether good enough hit S.H. [Saddam Hussein] at same time. Not only UBL [Osama bin Laden].”⁸⁶ Rumsfeld went on to say, “[g]o massive. Sweep it all up. Things related and not.”⁸⁷ Spencer Ackerman and John Judis of *The New Republic* reported that, “Deputy Defense Secretary Paul Wolfowitz floated the idea that Iraq, with more than 20 years of inclusion on the State Department’s terror-sponsor list, be held immediately accountable.”⁸⁸

The very first evidence regarding President Bush’s inclination to invade Iraq after the September 11 attacks occurred the very next day when he instructed National Security official Richard A. Clarke to go out of his way to find a link between Saddam Hussein and the terrorist attacks. Richard Clarke recounts the following in his book, *Against All Enemies*:



[On September 12th] I left the Video Conferencing Center and there, wandering alone around the situation room, was the president. He looked like he wanted something to do. He grabbed a few of us and closed the door to the conference room. ‘Look,’ he told us, ‘I know you have a lot to do and all . . . but I want you, as soon as you can, to go back over everything, everything. See if Saddam did this. See if he’s linked in any way.’ I was once again taken aback, incredulous, and it showed. ‘But, Mr. President, al Qaeda did this.’ ‘I know, I know, but . . . see if Saddam was involved. Just look. I want to know any shred’. . . . ‘Look into Iraq, Saddam,’ the President said testily and left us. Lisa Gordon-Hagerty stared after him with her mouth hanging open.⁸⁹

This inclination was evidenced to other senior Republicans as well. For example, Trent Lott observed in an interview on *Meet the Press* that shortly after September 11, the President made clear his intention to go after Iraq:

Well, beginning in August that year and into the fall--in fact, beginning not too long after 9/11--as we had leadership meetings at breakfast with the president, he would go around the world and talk about what was going on, where the threats were, where the dangers were, and even in private discussions, it was clear to me that he thought Iraq was a



destabilizing force, was a danger and a growing danger, and that we were going to have to deal with that problem.”⁹⁰

We have also received confirmation of the Bush Administration’s intention to invade Iraq after the September 11 attacks from various high-level Administration sources. For example, General Wesley Clark revealed on *Meet the Press* that shortly after the September 11 attacks, the White House was asking people to link Saddam Hussein with the September 11 attacks. Clark stated:

[T]here was a concerted effort during the fall of 2001, starting immediately after 9/11 to pin 9/11 and the terrorism problem on Saddam Hussein. . . . Well, it came from the White House . . . it came from all over. I got a call on 9/11. I was on CNN, and I got a call at my home saying, ‘You got to say this is connected. This is state-sponsored terrorism. This has to be connected to Saddam Hussein’ I said, ‘But—I’m willing to say it but what’s your evidence?’ And I never got any evidence.”⁹¹

On September 17, 2001, President Bush signed a 2½-page document marked “TOP SECRET” that outlined the plan for going to war in Afghanistan as part of a global campaign against terrorism. As one senior Administration official commented, the direction to the Pentagon to begin planning military options for an invasion of Iraq appeared “almost as a footnote.”⁹²

“On September 19 and 20, an advisory group known as the Defense Policy Board met at the Pentagon – with Secretary Rumsfeld in attendance – and discussed the importance of ousting Hussein.”⁹³ According to Administration sources:

They met in Rumsfeld’s conference room. After a C.I.A. briefing on the 9/11 attacks, Perle introduced two guest speakers. The first was Bernard Lewis, professor emeritus at Princeton, a longtime associate of Cheney’s and Wolfowitz’s. Lewis told the meeting that America must respond to 9/11 with a show of strength: to do otherwise would be taken in the Islamic world as a sign of weakness—one it would be bound to exploit. At the same time, he said, America should support democratic reformers in the Middle East. “Such as,” he said, turning to the second of Perle’s guest speakers, “my friend here, Dr. Chalabi” At the meeting Chalabi said that, although there was as yet no evidence linking Iraq to 9/11, failed states such as Saddam’s were a breeding ground for terrorists, and Iraq, he told those at the meeting, possessed W.M.D. During the later part of the second day, Wolfowitz and Rumsfeld listened carefully to the debate. “Rumsfeld was getting confirmation of his own instincts . . .” Perle says. “He seemed neither surprised nor discomfited by the idea of taking action against Iraq.”⁹⁴

The 9-11 Commission Report further notes that as early as September 20, 2001, Undersecretary of Defense for Policy, Douglas Feith, suggested attacking Iraq in response to the September 11 attacks. In a draft memo, Feith “expressed disappointment at the limited options immediately available in Afghanistan and the lack of ground options. [He] suggested instead hitting terrorists outside the Middle East in the initial offensive, perhaps deliberately selecting a non-al Qaeda target like Iraq.”⁹⁵ Also, on September 20, it is reported that President Bush told Prime Minister Blair of the need to respond militarily with Iraq. Blair told Bush he should not get distracted from the war on terror. As noted above, Bush replied, “I agree with you Tony. We must deal with this first. But when we have dealt with Afghanistan, we must come back to Iraq.”⁹⁶

By late November 2001, the President essentially instructed Secretary of Defense Donald Rumsfeld to develop an Iraq war plan, which Rumsfeld began to implement. In a CBS News *60 Minutes* interview about his book, “Plan of Attack,” Bob Woodward describes their meeting:

President Bush, after a National Security Council meeting, takes Don Rumsfeld aside, collars him physically, and takes him into a little cubbyhole room and closes the door and says, “What have you got in terms of plans for Iraq? What is the status of the war plan? I want you to get on it. I want you to keep it secret.”⁹⁷

The evidence of the President’s determination to go to war continues on through 2002. On January 29, 2002, President Bush gave his State of the Union address in which he stated that Iraq was part of an “axis of evil” along with South Korea and Iran.⁹⁸ Although Administration officials sought to temper the meaning of that reference, the President’s own speech writers have subsequently made it clear that the President was intending to target Iraq. As James Mann recounts: “David Frum, then one of Bush’s speech writers, later claimed that the original aim of the axis-of-evil speech was specifically to target Iraq. Mark Gerson, Bush’s chief speech writer had asked Frum first to find a justification for war against Iraq, he wrote; later Iran was added, and finally North Korea as a seemingly casual afterthought. Frum’s perspective reflected both his inexperience as a speech writer and also the thinking of neoconservatives within the administration, who were eager for a regime change in Iraq.”⁹⁹



President Bush and Defense Secretary Rumsfeld, “What Have You Got in Terms of Plans for Iraq?”

We have also learned from three sources that beginning as early as February 2002, the Bush Administration took specific concrete steps to deploy military troops and assets into Iraq. First, in February 2002, Senator Bob Graham told the Council on



Foreign Relations that a military commander had said to him: “Senator, we have stopped fighting the war on terror in Afghanistan. We are moving military and intelligence personnel and resources out of Afghanistan to get ready for a future war in Iraq.”¹⁰⁰

Second, it is clear from Bob Woodward's book, “Plan of Attack” that the redeployment began in the summer of 2002, well before authorized by Congress:

On July 17, Franks updated Rumsfeld on the preparatory tasks in the region. He carefully listed the cost of each and the risk to the mission if they didn't proceed along the timeline which set completion by December 1. Total cost: about \$700 million Later the president praised Rumsfeld and Franks for this strategy of moving troops in and expanding the infrastructure. “It was, in my judgment,” Bush said, “a very smart recommendation by Don and Tommy to put certain elements in place that could easily be removed and it could be done so in a way that was quiet so that we didn't create a lot of noise and anxiety.” . . . He carefully added, “The pre-positioning of forces should not be viewed as a commitment on my part to use military.” He acknowledged with a terse “Right. Yup.” that the Afghanistan war and war on terrorism provided the excuse, that it was done covertly, and that it was expensive By the end of July, Bush had approved some 30 projects that would eventually cost \$700 million. He discussed it with Nicholas E. Calio, the head of White House congressional relations. Congress, which is supposed to control the purse strings, had no real knowledge or involvement, had not even been notified that the Pentagon wanted to reprogram money.¹⁰¹

In his interview on *60 Minutes*, Mr. Woodward himself points out this was a basic violation of the Constitution: “Some people are gonna look at a document called the Constitution which says that no money will be drawn from the Treasury unless appropriated by Congress.”¹⁰² The funds were diverted from appropriation laws specifically allocated for the war in Afghanistan.¹⁰³

Third, Seymour Hersh of *The New Yorker* received similar confirmation from his Administration sources of the reallocation of intelligence assets from Afghanistan to Iraq in preparation for an invasion: “The Bush Administration took many intelligence operations that had been aimed at Al Qaeda and other terrorist groups around the world and redirected them to the Persian Gulf. Linguists and special operatives were abruptly reassigned, and several ongoing anti-terrorism intelligence programs were curtailed.”¹⁰⁴

Further, beginning in February 2002, senior White House officials were also confirming to the press that military ouster of Saddam Hussein was inevitable. On February 13, 2002, *Knight Ridder* reported that, according to their sources, “President

Bush has decided to oust Iraqi leader Saddam Hussein from power and ordered the CIA, the Pentagon and other agencies to devise a combination of military, diplomatic and covert steps to achieve that goal, senior U.S. officials said Tuesday.”¹⁰⁵

White House officials were also telling Seymour Hersh that the decision to go to war had been made and that a process to support that determination had been created:

By early March, 2002, a former White House official told me, it was understood by many in the White House that the President had decided, in his own mind, to go to war The Bush Administration took many intelligence operations that had been aimed at Al Qaeda and other terrorist groups around the world and redirected them to the Persian Gulf. . . . Chalabi's defector reports were now flowing from the Pentagon directly to the Vice-President's office, and then on to the President, with little prior evaluation by intelligence professionals.”¹⁰⁶

Also, in March 2002, President Bush reportedly poked his head into the office of National Security Adviser Condoleezza Rice and said “F*** Saddam. We're taking him out.”¹⁰⁷ At the time, Rice was meeting with three U.S. Senators and discussing options for dealing with Iraq through the United Nations or other peaceful means. However, a source reported “Bush wasn't interested. He waved his hand dismissively . . . and neatly summed up his Iraq policy in that short phrase. The Senators laughed uncomfortably; Rice flashed a knowing smile.”¹⁰⁸

By late March 2002, Vice President Cheney was telling his fellow Republicans that a decision to invade Iraq had been made:

Dick Cheney dropped by a Senate Republican policy lunch soon after his 10-day tour of the Middle East - the one meant to drum up support for a U.S. military strike against Iraq. . . . Before he spoke, he said no one should repeat what he said, and Senators and staff members promptly put down their pens and pencils. Then he gave them some surprising news. The question was no longer if the U.S. would attack Iraq, he said. The only question was when.”¹⁰⁹

In his book, Bob Woodward describes Cheney as a “powerful, steamrolling force obsessed with Saddam and taking him out.”¹¹⁰

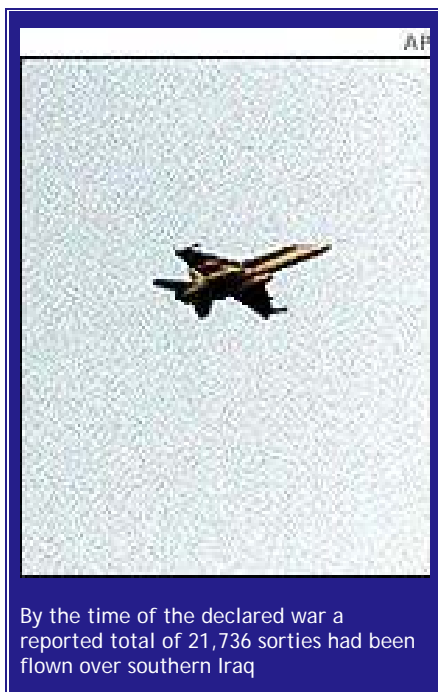
By July of 2002, Condoleezza Rice was offering further confirmation that President Bush's mind was made up regarding a decision to invade Iraq. At this time, State Department Director of Policy Planning Richard N. Haass held a meeting with Rice and asked if they should discuss Iraq. Rice said, “Don't bother. The president has made a decision.”¹¹¹



We know that, in early August 2002, President Bush and Prime Minister Blair spoke by telephone and cemented the decision to go to war. A White House official who read the transcript of their conversation disclosed that war was inevitable by the end of the call. On August 29, 2002, after three months of war exercises conducted by the Pentagon, President Bush reportedly approved a document entitled "Iraq goals, objectives and strategy."¹¹² The document cites far-reaching goals and the study refers to "some unstated objectives" including installing a pro-American government in Iraq and using it to influence events in the Middle East, especially in Syria and Iran.¹¹³

Not only is it clear that a decision had been made to go to war in early 2002, it has also become apparent that the U.S. was actually engaging in acts of war by May 2002. On April 28, 2002, *The New York Times* wrote: "The Bush administration, in

developing a potential approach for toppling President Saddam Hussein of Iraq, is concentrating its attention on a major air campaign and ground invasion, with initial estimates contemplating the use of 70,000 to 250,000 troops. . . . Senior officials now acknowledge that any offensive would probably be delayed until early next year, allowing time to create the right military, economic and diplomatic conditions."¹¹⁴



Bombing activity designed to increase military pressure on Iraq appears to have commenced by May 2002, and intensified in August 2002, following a meeting of the National Security Council.¹¹⁵ The *Sunday London Times* reported that, "[b]y the end of August [2002] the raids had become a full air offensive."¹¹⁶ As former veteran CIA intelligence officer Ray McGovern testified:

The step-up in bombing was incredible. In March-April of 2002, there were hardly any bombs dropped at all. **By the time September came along, several hundred tons of bombs had been dropped. The war had really started.**¹¹⁷

On May 27, 2002, a former US Air Force combat veteran Tim Goodrich told the World Tribunal on Iraq jury in Istanbul, Turkey: "We were dropping bombs then, and I saw bombing intensify. All the documents coming out now, the Downing Street Memo and others, confirm what I had witnessed in Iraq. The war had already begun while our leaders were telling us that they were going to try all diplomatic options first."¹¹⁸ "Tommy Franks, the allied commander, has since admitted that this operation was designed to 'degrade' Iraqi air defenses in the same way as the air attacks that began the 1991 Gulf war."¹¹⁹

The United States and Britain initially attempted to justify these raids by claiming that “the rise in air attacks was in response to Iraqi attempts to shoot down allied aircraft.”¹²⁰ However, in July 2005, in response to British MP Sir Menzies Campbell’s request for data, the British Ministry of Defence released figures that would indicate that the true reason for the raids was to put pressure on the Iraqis.¹²¹ The data shows that in “the first seven months of 2001 the allies recorded a total of 370 ‘provocations’ by the Iraqis against allied aircraft. But in the seven months between October 2001 and May 2002 there were just 32.”¹²² The records show that the allies dropped twice as many bombs on Iraq in the second half of 2002 as they did in the whole of 2001.¹²³

The “secret air war” was also confirmed by Iraq war Lieutenant-General Michael Moseley, who said that “in 2002 and early 2003 allied aircraft flew 21,736 sorties, dropping more than 600 bombs on 391 ‘carefully selected targets’ before the war officially started.”¹²⁴ Between March and November 2002, coalition forces attacked Iraqi installations with 253,000 pounds of bombs. In June 2002 specifically, forces bombed Iraq with 20,800 pounds of munitions; in September 2002, the tonnage amounted to 109,200 pounds of bombs.¹²⁵

The Downing Street Minutes and Documentary Evidence of an Agreement to go to War

The Downing Street Minutes, which cover a time period from early March 2002 to July 23, 2002, provide the most definitive documentary evidence that the Bush Administration had not only made up its mind to go to war well before it sought congressional authorization to do so, but that it had an agreement with the British government to do so. Collectively, the documents paint a picture of US and British officials eager to convince the public that

“Bush wanted to remove Saddam, through military action, justified by the conjunction of terrorism and WMD. But the intelligence and facts were being fixed around the policy.”

“It seemed clear that Bush had made up his mind to take military action, even if the timing was not yet decided. But the case was thin.”

-----July 23, 2002, The Downing Street Minutes¹²⁶

war in Iraq was not a forgone conclusion, even as exacting plans for war were being laid. This section of the Report includes a description of each of the critical elements of these documents as they relate to that determination to go to war by the spring and summer of 2002 and details how the Downing Street Minutes have been confirmed and corroborated as accurate. (The Downing Street Minutes also include critical documentary evidence showing Bush and Blair Administration plans concerning



“marketing” the war to the public and the United Nations, as well as the manipulation of intelligence, both of which are discussed later in this Report.)

Description and Analysis of Various Downing Street Minutes Materials

Iraq: Options Paper (March 8, 2002)

This paper, prepared by the Office of the Overseas and Defense Secretariat, is the first of four documents written by various British authorities to prepare Prime Minister Blair for his early April trip to Crawford, Texas. The document includes the seeds of the upcoming war plan by the US and lays out a plan by which Iraq would reject a UN ultimatum, paving the way to war.

Besides summarizing various legal and political restraints, the paper warns Blair that a “legal justification for invasion would be needed. Subject to Law Officers advice, none currently exists.”¹²⁷ The document also states, “[t]he U.S. has lost confidence in containment. Some in government want Saddam removed. The success of Operation Enduring Freedom [the military code name for the U.S.-led invasion of Afghanistan], distrust of UN sanctions and inspection regimes, and unfinished business from 1991 are all factors.”¹²⁸

In this document, we learn of a nascent plan that the rejection of United Nations weapons inspectors by Iraq would provide the needed justification for war:

A refusal to admit UN inspectors, or their admission and subsequent likely frustration, which resulted in an appropriate finding by the Security Council could provide the justification for military action. Saddam would try to prevent this, although he has miscalculated before [sic]. . .¹²⁹

Iraq: Legal Background Paper (Early March 2002)

This document, the second of four papers prepared to brief Prime Minister Blair for his upcoming Crawford trip, describes various legal doctrines believed to be at play with regard to military intervention in Iraq. The most significant aspect of this document is its revelation that the British government did not agree with the Bush Administration’s belief that any State can enforce United Nations resolutions. The Bush Administration ultimately relied on this view to justify preemptive war one year later.

One analysis of Security Council Resolutions suggests that, while the British hold the view that “it is for [the Security] Council to assess whether any such breach of those obligations has occurred,” the United States has “a rather different view: they maintain that the assessment of breach is for individual member States. We

are not aware of any other State which supports this view.”¹³⁰ The paper also notes that “for the exercise of the right of self-defence there must be more than ‘a threat.’ There has to be an armed attack actual or imminent.”¹³¹

David Manning Memo (March 14, 2002)

This memo was prepared by British national security advisor David Manning after having dinner with Condoleezza Rice. He observes that Ms. Rice is seen as an unalloyed advocate of military action against Iraq and again emphasizes how an ultimatum to Iraq on weapons inspectors could be helpful politically.

David Manning advises Prime Minister Tony Blair that President Bush had yet to find the answers to the “big” questions, such as: how to persuade international opinion that military action against Iraq is necessary and justified; what value to put on the exiled Iraqi opposition; how to coordinate a US/allied military campaign with internal opposition (assuming there is any); what happens on the morning after?¹³²

Manning also wrote, “[t]he issue of the weapons inspectors must be handled in a way that would persuade European and wider opinion that the US was conscious of the international framework, and the insistence of many countries on the need for a legal base. Renewed refusal [sic] by Saddam to accept unfettered inspections would be a powerful argument.”¹³³

Manning also attempted to prepare Blair for his upcoming trip to Crawford: “I think there is a real risk that the Administration underestimates the difficulties. They may agree that failure isn’t an option, but this really does not mean that they will avoid it.” The memo went on to say: “Condi’s enthusiasm for regime change is undimmed.”¹³⁴

The Meyer Memo (March 18, 2002)

In this memo from Christopher Meyer, the British Ambassador in Washington, to David Manning, we first learn that the British had agreed to join the Bush Administration in backing regime change through military action. The British also suggest giving Hussein an ultimatum that he would reject as a way of justifying war. In the memo, the Ambassador describes a lunch he recently had with Paul Wolfowitz, then US Deputy Secretary of Defense:

On Iraq I opened by sticking very closely to the script that you used with Condi Rice last week. **We backed regime change, but the plan had to be clever and failure was not an option.** It would be a tough sell for us domestically, and probably tougher elsewhere in Europe. The US could go it alone if it wanted to. But if it wanted to act with partners, there had to be a strategy for building support for military action against Saddam. I then went through the need to wrongfoot [sic] Saddam on



the inspectors and the UN SCRs [Security Council Resolutions] and the critical importance of the MEPP [Middle East Peace Process] as an integral part of the anti-Saddam strategy. If all this could be accomplished skilfully, we were fairly confident that a number of countries would come on board.¹³⁵

Meyer goes on to note that “Wolfowitz said that it was absurd to deny the link between terrorism and Saddam.”¹³⁶ Meyer told Wolfowitz that “if the UK were to join the US in any operation against Saddam, we would have to be able to take a critical mass of parliamentary and public opinion with us.”¹³⁷

Mr. Meyer had previously recalled that in the fall of 2001, Blair told Bush he should not get distracted from the war on terror. As noted above, Bush replied, **“I agree with you Tony. We must deal with this first. But when we have dealt with Afghanistan, we must come back to Iraq.”**¹³⁸ This statement of intent by President Bush with regard to Iraq was made at a private White House dinner between the leaders on September 20, 2001.

The Ricketts Memo (March 22, 2002)

Peter Ricketts, the Political Director of the Foreign and Commonwealth Office, wrote this memo to the U.K. Foreign Secretary Jack Straw as the third of four documents advising the Prime Minister on his trip to Crawford. This memo is an early indication that at least the British were concerned that unmanipulated intelligence did not provide a strong case for Iraq possessing dangerous WMD that could target the United States.



President Bush and Prime Minister Blair
Crawford, Texas (April 6, 2002)

In the memo, Ricketts expressed relief at the postponement of the publication of a dossier that detailed the limited state of Iraq's weapons program: “My meeting yesterday showed that there is more work to do to ensue [sic] that the figures are accurate and consistent with those of the U.S.”¹³⁹ Ricketts goes on to argue that “even the best survey of Iraq's WMD programmes will not show much advance in recent years on the nuclear, missile or CW/BW [chemical weapons/biological weapons] fronts: the programmes are extremely worrying but have not, as far as we know, been stepped up.”¹⁴⁰

Ricketts offered one final piece of advice: **“The truth is that what has changed is not the pace of Saddam Hussein's WMD programmes, but our tolerance of them post-11 September . . . attempts to claim otherwise publicly will increase scepticism about our case.”**¹⁴¹

The Straw Memo (March 25, 2002)

U.K. Foreign Secretary Jack Straw wrote this final of four memos to Tony Blair before his April trip to Crawford.¹⁴² The memo confirms once again that the Bush Administration anticipates military action to remove Saddam Hussein and again advocates the efficacy of delivering a legal ultimatum to Iraq. Straw emphasizes the need for a legal justification for military action, and the fact that “we have a long way to go” to convince the public that regime change is acceptable.¹⁴³

According to Secretary Straw, the legal obstacles are difficult to surmount:

regime change per se is no justification for military action; it could form part of the method of any strategy, but not a goal. Of course, we may want credibly to assert that regime change is an essential part of the strategy by which we have to achieve our ends - that of the elimination of Iraq's WMD capacity: but the latter has to be the goal.¹⁴⁴

Echoing the advice of Peter Ricketts, Straw notes that “[o]bjectively, the threat from Iraq has not worsened as a result of 11 September.”¹⁴⁵ **Straw cautions Blair that “[t]he rewards from your visit to Crawford will be few” and that, while the U.S. has “assumed regime change as a means of eliminating Iraq’s WMD threat,”** virtually no assessment “has satisfactorily answered how that regime change is to be secured, and how there can be any certainty that the replacement regime will be better.”¹⁴⁶ Straw also writes to Blair: “I believe that a demand for the unfettered readmission of weapons inspectors is essential, in terms of public explanation, and in terms of legal sanction for any subsequent military action.”¹⁴⁷

The Cabinet Office Paper (July 21, 2002)

The British Cabinet Office prepared a briefing paper for participants at the upcoming July 23 meeting from which the Downing Street Minutes would be generated. The paper reiterates that Prime Minister Blair had already agreed to back military action to eliminate Saddam Hussein’s regime at the April summit in Crawford, Texas and again confirms US determination to go to war.

The memo again highlights the need to make an ultimatum for Hussein that he would reject, and expresses concern about US preparedness for occupying Iraq:

[I]t is necessary to create the conditions in which we could legally support military action. Otherwise we face the real danger that the US will commit themselves to a course of action which we would find very difficult to support . . . US plans assume, as a minimum, the use of British bases in Cyprus and Diego Garcia . . . **[i]t is just possible that an ultimatum could be cast in terms which Saddam would reject (because he is unwilling to accept unfettered access) and which**



would not be regarded as unreasonable by the international community . . . [a] post-war occupation of Iraq could lead to a protracted and costly nation-building exercise. As already made clear, the US military plans are virtually silent on this point.¹⁴⁸

The Cabinet Office Paper also provides additional evidence of the concerted strategy to use the United Nations route as a pretext for war. The Paper confirms the now accepted notion that the United Nations could be used as an excuse for going to war, and broaches the idea of using the United Nations to create a legal deadline for military action. The Paper states, “[w]e need to set a deadline, leading to an ultimatum. It would be preferable to obtain backing of a UNSCR [United Nations Security Council Resolution] for any ultimatum and early work would be necessary to explore with Kofi Annan and the Russians, in particular, the scope for achieving this.”¹⁴⁹ Significantly, the Cabinet Office Paper goes on to conclude that the onus is on the United States to insure that the preconditions for war are met, writing, the Bush Administration would need to “creat[e] the conditions necessary to justify government military action . . .”¹⁵⁰

The Downing Street Minutes (July 23, 2002)

The July 23, 2002 Downing Street Minutes, the most important and well publicized of the Downing Street Minutes materials – sometimes described as the “smoking gun memo” – is a document obtained from an undisclosed source that contains the minutes taken during a meeting among the highest officials in the United Kingdom government and defense intelligence figures. The British authorities discuss the build up to the Iraq invasion of March 2003, and it is clear to those attending that President Bush intends to remove Saddam Hussein from power by force. The minutes run through military options and then consider a political strategy by which an appeal for support would be positively received by the public. They again suggest that President Bush issue an ultimatum for Saddam to allow back United Nations weapons inspectors, and that this tactic would help to make the use of force legal. Tony Blair is quoted as saying that under these conditions the British public would support regime change.¹⁵¹



Prime Minister Blair and Vice-President Cheney

Perhaps the most important passage in the July 23 Minutes is a report of a recent visit to Washington by Sir Richard Dearlove, head of MI-6 and known in official terminology as “C”:

C reported on his recent talks in Washington. There was a perceptible shift in attitude. Military action was now seen as inevitable. Bush wanted to remove Saddam, through military action, justified by the

conjunction of terrorism and WMD. But the intelligence and facts were being fixed around the policy. The NSC had no patience with the UN route, and no enthusiasm for publishing material on the Iraqi regime's record. There was little discussion in Washington of the aftermath after military action.¹⁵²

The Minutes also record British Defense Secretary Geoff Hoon as saying, "the U.S. had already begun 'spikes of activity' to put pressure on the regime."¹⁵³ In addition, Foreign Secretary Straw articulates his idea for justifying an attack in light of the fact that Saddam was not threatening to attack his neighbors and his weapons of mass destruction program was less extensive than those of a number of other countries: "We should work up a plan for an ultimatum to Saddam to allow back in the UN weapons inspectors. This would also help with the legal justification for the use of force."¹⁵⁴

The British realized they needed "help with the legal justification for the use of force" because, as the British Attorney General pointed out, "the desire for regime change was not a legal base for military action."¹⁵⁵ Moreover, the Attorney General stated that of the "three possible legal bases: self-defence, humanitarian intervention, or [United Nations Security Council] authorisation," the first two "could not be the base in this case."¹⁵⁶ In other words, Iraq was not attacking the United States or the United Kingdom, so the leaders could not claim to be acting in self-defense; nor was Iraq's leadership in the process of committing genocide, so the United States and the United Kingdom could not claim to be invading for humanitarian reasons. This left Security Council authorization as the only conceivable legal justification for war.

At this point in the meeting Prime Minister Tony Blair weighed in. Responding to his minister's suggestion about drafting an ultimatum demanding that Saddam let United Nations inspectors back in the country, Blair acknowledged that such an ultimatum could be politically critical – but only if the Iraqi leader turned it down:

The Prime Minister said that it would make a big difference politically and legally if Saddam refused to allow in the UN inspectors. Regime change and WMD were linked in the sense that it was the regime that was producing the WMD. . . . If the political context were right, people would support regime change. The two key issues were whether the military plan worked and whether we had the political strategy to give the military plan the space to work¹⁵⁷

As if there were any doubt about the intentions of using the United Nations to provoke war, U.K. Foreign Secretary Jack Straw observes, "[w]e should explore discreetly the ultimatum. Saddam would continue to play hard-ball with the UN."¹⁵⁸



Confirmation and Corroboration of Downing Street Minutes Materials

While the Bush Administration has sought to either ignore or diminish the Downing Street Minutes, they have ultimately proved to be important not only because they were in documentary form, but also because of their source, a critical Bush Administration ally. Unlike other disclosures by ex-Administration officials and others, which the White House has characterized as biased, these disclosures cannot be dismissed as mere sour grapes.¹⁵⁹

As Cindy Sheehan stated so eloquently at the June 10, 2005 hearing on the Downing Street Minutes, convened by Representative Conyers: “I am even more convinced now, that this aggression on Iraq was based on a lie of historic proportions and was blatantly unnecessary. The so-called Downing Street Memo dated 23 July 2002, only confirms what I already suspected, the leadership of his [sic] country rushed us into an illegal invasion of another sovereign country on prefabricated and cherry-picked intelligence. Iraq was no threat to the United States of America, and the devastating sanctions and bombing against the Iraqis were working.”¹⁶⁰

Our research indicates there is little doubt as to the accuracy of the Downing Street Minutes and related documents. Sources within the Blair and Bush Administrations have confirmed their accuracy, and we have been able to independently confirm and corroborate the major precepts of the various documents.

It is telling that when the Downing Street Minutes were first published by the *Sunday London Times*, shortly before the 2005 British election, the Blair Administration chose not to deny their authenticity. Shortly after the Minutes were released, sources within both the Bush and Blair Administrations confirmed their accuracy to the press. A former senior US official told *Knight Ridder* that the Downing Street Minutes were “an absolutely accurate description of what transpired.”¹⁶¹ Two senior British officials, who asked not to be further identified because of the sensitivity of the material, told *Newsweek* in separate interviews that they had no reason to question the authenticity of the Downing Street Minutes.¹⁶²

In addition, elements of the Downing Street Minutes can be independently corroborated. Consider the core, specific provisions of the July 23 Downing Street Minutes from Richard Dearlove, in which he describes his recent discussions with the Bush Administration:

- **By mid-July 2002, eight months before the war began, President Bush had decided to “remove Saddam, through military action.”**

This statement that “Bush wanted to remove Saddam, through military action” has been proven true – on March 20, 2003, the U.S. military invaded Iraq and follow-up aspects of the Downing Street Minutes bear out that this decision was made well in advance of the war. In addition to the wealth of

verification in Sections III(A)(1), (2), and (4) of this Report, and in particular as noted in the previous section, we know that in early August 2002, President Bush and Prime Minister Blair spoke by telephone. It was a short call, about 15 minutes. According to a White House official who has studied the transcript of the phone call, **"The way it read was that, come what may, Saddam was going to go; they said they were going forward, they were going to take out the regime, and they were doing the right thing. Blair did not need any convincing. There was no 'come on Tony, we've got to get you on board.'** I remember reading it then and thinking, O.K., now I know what we're going to be doing for the next year."¹⁶³ **Before the call, this official says, he had the impression that the probability of invasion was high, but still below 100 percent. Afterward, he says, "it was a done deal."**¹⁶⁴

It is also worth noting that in March 2003, Tony Blair reportedly said, "[I]eft to himself, Bush would have gone to war in January. No, not January, but back in September."¹⁶⁵

- **Bush had decided to "justify" the war "by the conjunction of terrorism and WMD."**

This statement is borne out by the entire "marketing campaign," which fixated on these twin justifications (see Section III(A)(4) of this Report). For example, the Bush Administration formed the White House Iraq Group (WHIG) in August 2002 to persuade the public of Saddam's supposed threat and to market the war. The Administration waited to introduce the WHIG's product to the public until September 2002, because, as White House Chief of Staff Andrew Card told *The New York Times* in an unusually candid interview, "[y]ou don't introduce new products in August."¹⁶⁶

- **Already "the intelligence and facts were being fixed around the policy."**

The statement that "the intelligence and facts were being fixed around the policy" is confirmed by the multi-layered effort by the Administration to pressure officials within the Administration to find links between Saddam and September 11 and to manipulate intelligence officials and agencies into overstating WMD threats (see Section III(B) of this Report).

- **Many at the top of the administration "had no patience" with "the UN route."**

This statement is consistent with the realities of the Bush Administration's intentions at the time. For example, Vice President Cheney's stated opinion was that there was no need to seek any approval from the UN to invade. He has stated: "A return of inspectors would provide no assurance



whatsoever of his compliance with UN resolutions. On the contrary, there is great danger that it would provide false comfort that Saddam was somehow “back in the box.”¹⁶⁷ Mr. Cheney, like other administration “hard-liners,” was said to have feared “the UN route” not because it might fail but because it might succeed and thereby prevent a war that they were convinced had to be fought.”¹⁶⁸

- “There was little discussion in Washington of the aftermath of military action.”

Unfortunately, this statement has been verified by events following the war (see Sections II and III(A)(3), (4) of this Report). Among other things, in an ironic assessment of the events to follow, Vice President Dick Cheney made an appearance on *Meet the Press* and stated that the war was not going to be long, costly or bloody because “we will be greeted as liberators.”¹⁶⁹ As the war unfolded, numerous gaps in planning became apparent.

- The US had already begun “spikes of activity” to put pressure on the regime.

The statement that the US had already begun “spikes of activity” to pressure Iraq has been subsequently confirmed by numerous accounts (see Section III(A) of the Report). As reported in the *Sunday London Times*, in May 2002, with a conditional agreement in place with Britain for war, the US and UK began to conduct a bombing campaign in Iraq described by British and US officials as “spikes of activity” designed to put pressure on the Iraqi regime.¹⁷⁰ The bombing campaign was initiated a full ten months before the Bush Administration determined that all diplomatic means had been exhausted and six months before Congressional authorization for the use of force.¹⁷¹

- The British believed “[w]e should work up a plan for an ultimatum to Saddam to allow back in the UN weapons inspectors. This would also help with the legal justification for the use of force.”¹⁷²

The initiative of the British to go back to the UN to force an “ultimatum” has also been proven true (see Section III(A)(5) of this Report). The U.S. and Britain asked for UN authorization to demand the reintroduction of weapons inspectors, which they received on November 8, 2002.

Other documents released in conjunction with the Downing Street Minutes have also been independently corroborated. For example, the Cabinet Office Paper from July 21, 2002 and the Iraq Options Paper from March 8, 2002 include the following:

- Blair had already agreed to back military action to get rid of Saddam Hussein at a summit in Crawford, Texas in April 2002.

This agreement has been corroborated by numerous sources, including British newspapers *The Guardian*¹⁷³ and *The Daily Telegraph*.¹⁷⁴

- US plans assume, at a minimum, the use of British bases in Cyprus and Diego Garcia.

This plan came to fruition. Akrotiri, the British air base in Cyprus, has been used extensively since the beginning of the war as a refueling and resupply base for U.S. and British aircraft and warships.¹⁷⁵ At the start of the war, the US also used the base in Diego Garcia.¹⁷⁶

- UK contribution could include deployment of a Division (*i.e.* Gulf War-sized contribution plus naval and air forces) to making available bases.

Britain did provide a sizable troop contribution, with over 11,000 troops currently in Iraq.¹⁷⁷

- An international coalition is necessary to provide military platform and desirable for political purposes, even though this coalition was made up of small powers, since the US would probably not receive the support of the major powers for UN authorization.

The US ended up gathering a number of small powers to form an “international coalition,” including, among others, Armenia, Bulgaria, Denmark, El Salvador, Estonia, Kazakhstan, Latvia, Mongolia, and Poland.¹⁷⁸

- “Time will be required to prepare public opinion in the UK that it is necessary to take military action against Saddam Hussein. There would also need to be a substantial effort to secure the support of Parliament. An information campaign will be needed which has to be closely related to an overseas information campaign designed to influence Saddam Hussein, the Islamic World and the wider international community.”¹⁷⁹

The British Administration engaged in such a marketing campaign, with the Prime Minister persuading the Parliament and public of the case for war.¹⁸⁰

- “The optimal times to start action are in early spring.”

The war began on March 20, 2003, the first day of spring.



Manipulating Public Opinion

The Bush Administration manipulated public opinion by engaging in what Andrew Card, President Bush's Chief of Staff, described as a "marketing" plan to justify the war.¹⁸¹ In retrospect, it is apparent that this marketing plan was decided and implemented well before Mr. Card's admission. The Downing Street Minutes, written in the spring and summer of 2002, provide valuable insights into the upcoming marketing of the justifications for war. Not only was the British government well aware of the planned U.S. marketing campaign, but it too, was planning to engage in such an effort. Thus, the Cabinet Officer Paper notes that ministers are planning to "[a]gree to the establishment of an ad hoc group of officials under Cabinet Office Chairmanship to consider the development of an information campaign to be agreed with the U.S."¹⁸²

"From a marketing point of view ... you don't introduce new products in August."

-----August 2002, White House Chief of Staff Andrew Card commenting on the formation of the White House Iraq Group (WHIG) to market the war.

In August 2002, Secretary of Defense Rumsfeld ramped up the rhetoric to a significant degree, comparing Saddam Hussein to Adolph Hitler, and deriding those asking the Bush Administration to substantiate their Weapons of Mass Destruction claims:

Think of the prelude to World War Two. Think of all the countries that said, well, we don't have enough evidence. I mean, Mein Kampf had been written. Hitler had indicated what he intended to do. **Maybe he won't attack us. Maybe he won't do this or that. Well, there were millions of people dead because of the miscalculations.** The people who argued for waiting for more evidence have to ask themselves how they are going to feel at that point where another event occurs.¹⁸³

By August 2002, the "so-called" White House Iraq Group (WHIG) was formed as a coordinating center to convince the public of the need for the Iraq war. The group met weekly in the White House Situation Room. Among its participants were Karl Rove; Karen Hughes; Mary Matalin; James R. Wilkinson; legislative liaison Nicholas E. Calio; Condoleezza Rice and her deputy, Stephen J. Hadley; and Scooter Libby.¹⁸⁴ According to *The Washington Post*, "the escalation of nuclear rhetoric a year ago, including the introduction of the term 'mushroom cloud' into the debate, coincided with the formation of a White House Iraq Group."¹⁸⁵ It was reportedly created to persuade the public, the Congress and allies of the need to invade Iraq.¹⁸⁶

During this time period, there is additional evidence of other Bush Administration officials seeking to manipulate public opinion to support war. For

example, ABC News reported that officials both inside and outside the government said the Bush Administration would emphasize the danger of Saddam's weapons to gain the legal justification for war from the United Nations and also emphasize the danger at home to Americans, “‘We were not lying,’ said one official. ‘But it was just a matter of emphasis.’”¹⁸⁷ Consider also Paul Wolfowitz’s statement regarding why Iraq’s supposed control over weapons of mass destruction was ultimately used to pitch the public on the war: “[F]or bureaucratic reasons, we settled on one issue, weapons of mass destruction (as justification for invading Iraq) because it was the one reason everyone could agree on.”¹⁸⁸

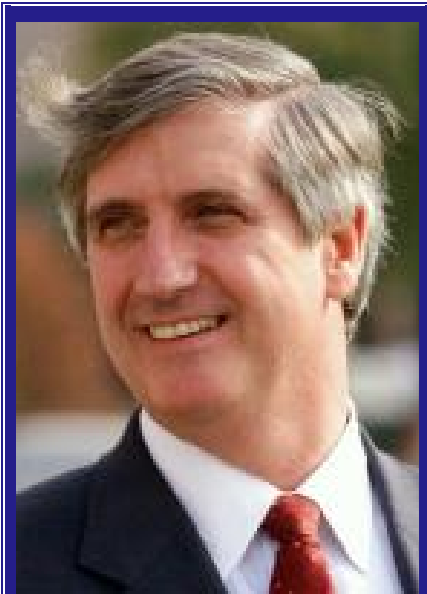
Early September was a critical period in the WHIG’s existence. It was on September 6 that *The New York Times* reported that Andrew Card explained the reason for delaying the roll-out of their pro-war campaign: “From a marketing point of view ... you don’t introduce new products in August.”¹⁸⁹ It is quite telling that he referred to their Iraq war initiative as a “product.” Another senior Administration official made the following admission when asked why our nation really went to war: “As it was, the administration took what looked like the path of least resistance in making its public case for the war: WMD and intelligence links with Al Qaeda. If the public read too much into those links and thought Saddam had a hand in September 11, so much the better.”¹⁹⁰

Two days later, on September 8, the “marketing” campaign began in earnest. As described in one publication:

The PR campaign intensified Sunday, September 8 . . . in a choreographed performance worthy of *Riverdance*, Cheney, Rumsfeld, Powell, Condoleezza Rice and Gen. Richard Myers said on separate talk shows that the aluminum tubes, suitable only for centrifuges, proved Iraq’s pursuit of nuclear weapons.”¹⁹¹

Frank Rich describes the flurry of activity on that day:

All the references to nuclear threats were beginning to have their intended impact. As *The Washington Post* recounts, the administration’s talk of clandestine centrifuges, nuclear blackmail and mushroom clouds had a powerful political effect, particularly on Senators who were facing fall election campaigns. “When you hear about nuclear weapons, this is the national security knock-out punch,” said Senator Ron Wyden.¹⁹²



White House Chief of Staff Andrew Card
“From a marketing point of view..”



In early October, in advance of a congressional vote to authorize military action, the WHIG released a “white paper.” The paper is based on the rushed, confidential CIA intelligence assessment. As *Newsweek* reported:

The publicly released white paper unequivocally backed up the White House’s case about the dangers posed by Iraq’s weapons of mass destruction (WMD) programs. It stated **boldly and without caveats in the first paragraph that Baghdad “has chemical and biological weapons” and “if left unchecked, it probably will have a nuclear weapon during this decade.”** If Iraq obtains sufficient weapons-grade material from abroad, the white paper further warned, Baghdad could make a nuclear weapon “within a year.” To support its conclusions about an Iraqi nuclear program, it prominently cited, among other factors, Iraq’s “aggressive attempts” to purchase high-strength aluminum tubes—an effort that Miller and her colleague Michael Gordon had first written about in an influential front-page story for the *New York Times* the previous September [apparently based on a leak from Scooter Libby]. . . . But . . . the more detailed version of the NIE was hardly stronger. In fact, it revealed for the first time, in the very first paragraph—right after the sentence that “if left unchecked, [Iraq] probably will have a nuclear weapon during this decade”—the fact that the State Department’s intelligence arm, the Bureau of Intelligence and Research (INR), had an “alternative view” of the matter.¹⁹³

The more detailed, classified NIE also included the State and Energy departments’ dissents about the intended use of aluminum tubes. Both agencies had concluded that the tubes were not suited for use in centrifuges. Yet the publicly released white paper mentioned no disagreement on the aluminum tubes issue, removed qualifiers and added language to distort the severity of the threat.¹⁹⁴



VP Cheney Chief of Staff Scooter Libby,
Member, White House Iraq Group

Communications Director James Wilkinson, who played a prominent role in the writing of the white paper, emphasized the importance the group placed on nuclear threat imagery, no matter how attenuated:

By summer 2002, the White House Iraq Group assigned Communications Director James R. Wilkinson to prepare a white paper for public release, describing the “grave and gathering danger” of Iraq’s allegedly “reconstituted” nuclear weapons program. Wilkinson gave prominent place to the claim that Iraq “sought uranium oxide, an

essential ingredient in the enrichment process, from Africa." That claim, along with repeated use of the "mushroom cloud" image by top officials beginning in September, became the emotional heart of the case against Iraq. The uranium claims had never been significant to career analysts - Iraq had plenty already and lacked the means to enrich it. But the allegations proved irresistible to the White House Iraq Group, which devised the war's communications strategy and included Libby among its members. Every layman understood the connection between uranium and the bomb, participants in the group said in interviews at the time, and it was the easiest way for the Bush administration to raise alarms.¹⁹⁵

This characterization of the WHIG and its product, as using a no-holds barred approach to develop strategy and rhetoric designed to pursue war, is consistent with what we have learned from other sources. For example, Bush Administration officials who observed the white paper's development noted that the WHIG "wanted gripping images and stories not available in the hedged and austere language of intelligence."¹⁹⁶ Even Bush Administration supporter David Brooks was forced to acknowledge "from Day One," the Bush White House "decided our public relations is not going to be honest."¹⁹⁷

The strong congressional vote on October 11, was also aided in large part by the timing - less than one month before the mid-term elections. This favorable timing was not an accident. Among

other things, it was anticipated as early as the July 23 Downing Street meeting that war's timing would be premised on United States elections. According to the British Defence Secretary Geoff Hoon, no decisions had been taken, but "the most likely timing in U.S. minds for military action to begin was January, with the timeline beginning 30 days before the U.S. Congressional elections."¹⁹⁸ Although the eventual date slipped because of delays regarding UN approval, it is quite telling that the British thought that military engagement would commence at such a politically opportunistic time. Former United States Ambassador Raphael, who was involved in Iraq policy, acknowledged much of the timing premised on United States elections



Deputy Defense Secretary Paul Wolfowitz: "I am reasonably certain that they will greet us as liberators..."



when he said that the Administration was “not prepared” when it invaded Iraq due to “clear political pressure, election driven and calendar driven.”¹⁹⁹

Also, on September 12, 2002, President Bush gave a speech at the United Nations in which he declared that “Iraq has answered a decade of U.N. demands with a decade of defiance.”²⁰⁰ Simultaneous with Bush’s United Nations speech, the White House released a report, “A Decade of Deception and Defiance,” seeking to set forth evidence that Iraq was violating bans on possessing chemical, biological and nuclear weapons.²⁰¹

Other reports on the manner in which the Bush Administration was planning its campaign to convince the public and the Congress of the need for war further confirm the sense that this was more a public relations endeavor than an honest and frank sharing of information with the American public. For example, in December 2002, when the President was being briefed on WMD evidence, his basic concern appears to have been with the public relations value of the information, rather than its actual efficacy. Bob Woodward reported that when Deputy CIA Director John McLaughlin presented his best evidence of weapons of mass destruction, complete with satellite photos and flip charts, the President responded by exclaiming “Nice try, but that isn’t gonna sell Joe Public. That isn’t gonna convince Joe Public. . . . This is the best we’ve got?”²⁰²

By January, of course, there were fewer and fewer doubts that the decision to go to war had been made. As noted in Bob Woodward’s “Plan of Attack,” January was when the Bush White House “was planning a big rollout of speeches and documents” to advance the war.²⁰³ By January 12, 2003, Secretary of State Colin Powell had become exasperated with the head long push for war. State Department officials have said that after White House meetings, Secretary Colin Powell would return to his office on the seventh floor of the State Department, roll his eyes and say, “Jeez, what a fixation about Iraq.”²⁰⁴ In this regard, another Administration official added, “I do believe certain people have grown theological about this. It’s almost a religion – that it will be the end of our society if we don’t take action now.”²⁰⁵

Finally, on January 28, 2003, President Bush gave his State of the Union Speech, in which he declared the now infamous 16 words: “The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.”²⁰⁶ Again, in retrospect, this uranium reference appears to have been part and parcel of the pre-mediated marketing plan launched earlier that summer. It has been reported that one of the speech writers conceded the phrase’s marketing impact: “For a speech writer, uranium was valuable because anyone could see its connection to an atomic bomb.”²⁰⁷

Just as the Bush Administration engaged in a public relations style campaign to convince the nation to support the war, the record shows it also sought to manipulate public opinion to convince the American public that the upcoming occupation would

be straight forward and relatively peaceful. Prior to the war, senior members of the Bush Administration repeatedly downplayed the risks and overstated the ease of the occupation. For example, rejecting Army Secretary Eric Shinseki's assessment that the mission would require large numbers of troops for a long duration, Deputy Defense Secretary Paul Wolfowitz stated: "I am reasonably certain that they will greet us as liberators, and that will help us to keep requirements down. In short, we don't know what the requirement will be, but we can say with reasonable confidence that the notion of hundreds of thousands of American troops is way off the mark."²⁰⁸

Later, Defense Secretary Rumsfeld echoed these remarks, stating that "[t]he idea that it would take several hundred thousand U.S. forces I think is far off the mark"²⁰⁹ Vice President Dick Cheney made an appearance on *Meet the Press* and stated that the war would be quick and easy: "I really do believe that we will be greeted as liberators. I've talked with a lot of Iraqis in the last several months myself. . . . The read we get on the people of Iraq is there is no question but what they want to the get rid of Saddam Hussein and they will welcome as liberators the United States when we come to do that."²¹⁰

Also in this regard, comprehensive reports written by four ex-CIA analysts and led by former Deputy Director Richard Kerr found:

Policymakers worried more about making the case for the war; particularly the claim that Iraq had weapons of mass destruction, than planning for the aftermath. . . . In an ironic twist, the policy community was receptive to technical intelligence (the weapons program), where the analysis was wrong, but apparently paid little attention to intelligence on cultural and political issues (post-Saddam Iraq), where the analysis was right."²¹¹

The evidence we have identified indicates that the Bush Administration deliberately chose to downplay real and credible risks regarding the occupation in order to help make the strongest case for war for the public. Thus, for example, in January 2003, when President Jacques Chirac's top advisor, Maurice Gourdault-Montagne, warned Condoleezza Rice that the war would lead to an increase in terrorism, the National Secretary Advisor ignored the warnings:

Gourdault-Montagne talked of the unrest that would no doubt erupt among Iraq's many ethnic groups, and he warned of increased terror. Rice pooh-poohed his every objection. "Everything was dismissed," says a French diplomat, recalling Rice's reaction. "There is terror already in the world and the rest of the Arab world won't feel resentment. If it does, the leaders of the Arab world will support the administration." . . . "Every good reason not to go to war was irrelevant." It was clear, says this diplomat, "that the decision to go to war was taken."²¹²



As a matter of fact, it has been reported that the National Intelligence Council specifically warned President Bush in January 2003 that “the conflict could spark factional violence and an anti-U.S. insurgency . . . [o]ne of the reports said the U.S.-led occupation could ‘increase popular sympathy for terrorist objectives.’”²¹³

State Department officials warned not only about the lack of planning for the occupation, but also of future human rights abuses in Iraq. On February 7, 2003, one month before the U.S. invasion, three State Department bureau chiefs prepared a secret memo for their superior and cited “serious planning gaps for post-conflict public security and humanitarian assistance.”²¹⁴ The State Department officials noted that the military was reluctant “to take on ‘policing’ roles” in Iraq after the overthrow of Saddam Hussein.²¹⁵ The three officials also warned that “a failure to address short-term public security and humanitarian assistance concerns could result in serious human rights abuses which would undermine an otherwise successful military campaign, and our reputation internationally.”²¹⁶ Again, these risks were ignored by the Bush Administration’s intent on developing the strongest possible case for war.

The Downing Street Minutes also indicate that the United Kingdom had sought to warn the Bush Administration of the perils of post-war occupancy. In the spring of 2002, British Foreign Secretary Jack Straw wrote, “we have a long way to go to convince [the Bush Administration] as to . . . whether the consequence of military action really would be a compliant law abiding replacement government.”²¹⁷



British Foreign Secretary Jack Straw: “...no one has satisfactorily answered how that regime change is to be secured, and how there can be any certainty that the replacement regime will be better.” (AFP)

There is also considerable evidence indicating that the Bush Administration went into armed conflict in Iraq without a real or viable plan for the occupation. United Kingdom Foreign Secretary Jack Straw, in writing a memo to Prime Minister Blair concerning his upcoming April 2002 trip to Crawford, Texas, expressed alarm at the Bush Administration’s failure to consider these issues. He wrote:

We have also to answer the big question – what will this action achieve? There seems to be a larger hole in this than on anything. Most of the assessments from the U.S. have assumed regime change as a means of eliminating Iraq’s [weapons of mass destruction] threat. **But no one has satisfactorily answered how that regime change is to be secured, and how there can be any certainty that the replacement regime will be better.**²¹⁸

Around the same time, British Foreign Policy Advisor David Manning wrote a memo to Prime Minister Blair in which, based on Manning's dinner with Condoleezza Rice, he continued to express concern regarding the lack of United States preparation for an Iraq occupation: "From what [Rice] said, Bush has yet to find the answers to the big questions including what happens on the morning after?"²¹⁹ Later on in the memo, Manning again raises questions regarding the Bush Administration's preparedness for a post-occupation of Iraq noting, "I think there is a real risk that the Administration underestimates the difficulties. They may agree that failure isn't an option, but this does not mean that they will avoid it. Will the Sunni majority really respond to an uprising led by Kurds and Shias? Will Americans really put in enough ground troops to do the job if the Kurdish/Shi'ite stratagem fails?"²²⁰

Perhaps most famously, in the Downing Street Minutes, when "C," (Sir Richard Dearlove) reported on his recent discussions in Washington, he discerned that the Bush Administration was not focused on post-occupation issues. Mr. Dearlove noted, "[t]here was little discussion in Washington of the aftermath after military action."²²¹ While the British at least seemed concerned about the risks of "nation building," their impression was that the Bush Administration was blithely ignoring these matters. Further, as detailed in the Cabinet Office Paper, "[a] post-war occupation of Iraq could lead to a protracted and costly nation-building exercise. As already made clear, the U.S. military plans are virtually silent on this point."²²²

Finally, we now know that a classified State Department report, disclosed by *The Los Angeles Times*, concluded that it was unlikely that installing a new government in Iraq would encourage the spread of democracy in the region. The paper found that in the unlikely event a democracy did take root in Iraq, it would likely result in an Islamic-controlled government antipathetic to the United States.²²³

Using the United Nations as a Pretext for War

The manipulation and marketing of the Iraq war by the Bush Administration extended beyond domestic opinion to include the United Nations as well. Our review indicates that the very concept of seeking UN resolutions was merely to provide an ultimatum that Iraq would reject. Moreover, from the time the Bush Administration committed to obtaining United Nations

The United States was "ready to discredit inspections in favor of disarmament."

----October 2002 statement by Vice President Cheney, recounted by Iraq Survey Group head Hans Blix as a "pretty straight way . . . of saying that if we did not soon find the weapons of mass destruction that the U.S. was convinced Iraq possessed . . . , the U.S. would be ready to say that the inspectors were useless and embark on disarmament by other means."²²⁴



approval in September 2002, it engaged in a series of actions intended to pursue military action regardless of the efficacy of the United Nations Security Council process.

From the very outset, the Bush Administration was antagonistic to any successes the United Nations inspectors may have achieved. It pursued language that would most easily have paved the way for war and then sought to discredit the very inspections process the Security Council had just approved. When the weapons inspections process appeared to be working and the votes appeared lacking to obtain a Security Council vote to authorize war, President Bush and Prime Minister Blair met on January 31, 2003, to discuss alternative scenarios of provoking war. Finally, when the plan to provoke war failed and the Security Council made clear it would not authorize military action, the Bush Administration was forced to adopt a contorted and extreme view of international law in order to justify military intervention.

As early as August 2002, British Foreign Secretary Straw arrived in the Hamptons to "discreetly explore [an] ultimatum [given to Saddam Hussein]" with Secretary of State Powell.²²⁵ As Bob Woodward notes in his book "Plan of Attack," Mr. Straw told the Secretary, "If you are really thinking about war and you want us Brits to be a player, we cannot be unless you go to the United Nations."²²⁶

As we now know, this course of action was set forth in the various Downing Street Minutes materials described earlier in Section III(A)(3) of this Report. The deceptiveness of this course of events has not been lost on other observers. As Mark Danner of the *New York Review of Books* has written, these discussions were not about preserving the peace, or even allowing the inspectors to do the job, but about finding a legal justification for war:

Though 'the UN route' would be styled as an attempt to avoid war, its essence, as the Downing Street memo makes clear, was a strategy to make the war possible, partly by making it politically palatable . . . [t]hus, the idea of UN inspectors was introduced not as a means to avoid war, as President Bush repeatedly assured Americans, but as a means to make war possible. War had been decided on; the problem under discussion here was how to make, in the prime minister's words, 'the political context . . . right' . . . [t]he demand that Iraq accept UN inspectors, especially if refused, could form the political bridge by which the allies could reach their goal: 'regime change' through 'military action.'²²⁷

By September 7, 2002, Woodward detailed a personal visit by Blair to persuade President Bush to go to the United Nations: "It was critical domestically for the Prime Minister to show his own Labour Party, a pacifist party at heart, opposed to war in principle, that he had gone the UN route. Public opinion in the UK favored trying to make international institutions work before resorting to force. Going through the UN

would be a large and much-needed plus."²²⁸ The President told Blair that he had decided "to go to the UN" and the Prime Minister, "was relieved."²²⁹ After the session with Blair, Bush walked into a conference room and told the British officials gathered there that "your man has got cojones."²³⁰ This particular conference with Blair would be known, Bush declared, as "the cojones meeting."²³¹

Five days later, on September 12, 2002, President Bush announced that the United States would "work with the U.N. Security Council for the necessary resolutions."²³² It is notable that the President envisaged more than one resolution. Almost immediately, however, the Bush Administration began to distance itself from any suggestion that the reintroduction of weapons inspectors would work – the purported purpose of the resolutions:

Four days later, on September 16, Annan stood before the microphones at the U.N. and announced he had received a letter from Iraqi authorities that said Iraq would allow inspectors access "without conditions." . . . White House staffers flew into a rage. In their view Annan was giving Saddam the kind of wiggle room that would allow him to avert military action. Reportedly, later that night, Powell and Rice, in a conference call, chewed out Annan for taking matters into his own hands. . . . [r]elations between the U.N. leadership and the White House deteriorated in the following days as word of American military preparations seeped out . . . Bush's U.N. strategy was becoming clear: the goal was not to get Saddam to disarm through peaceful means, but rather to get a U.N. stamp of approval for American military action as quickly as possible. Indeed, Bush's speech before the General Assembly was soon seen by the delegates for what it was: a tell-'em-what-they-want-to-hear spiel even though you don't believe it.²³³

Thereafter, the Bush Administration engaged in an effort to discredit the weapons inspectors before they were even able to do their work. For example, on September 19, 2002, Donald Rumsfeld testified before the Senate that "the more inspectors that are in there, the less likely something's going to happen."²³⁴ The same day, President Bush threatened that, "if the United Nations Security Council won't deal with the problem, the United States and some of our friends will."²³⁵ Richard Perle attacked Hans Blix by saying "if it were up to me, on the strength of his previous record, I wouldn't have chosen Hans Blix."²³⁶

After this initial round of "saber-rattling," the Administration then pursued an extreme – and ultimately unsuccessful – resolution that would have allowed an automatic trigger path to military action. The initial draft of Resolution 1441,



prepared by the Bush Administration, threatened the use of "all necessary means" should Iraq fail to comply with strict new inspections.²³⁷ Hans Blix, chief inspector of the United Nations Monitoring, Verification and Inspection Commission ("UNMOVIC") remarked: "It was so remote from reality . . . [i]t was written by someone who didn't understand how (inspections) function."²³⁸



Lacking the votes, the Bush Administration was forced to abandon the idea of an "automatic trigger," and by November 8, a revised resolution was approved. As Sir Jeremy Greenstock, the British ambassador to the UN, acknowledged: "We heard loud and clear during the negotiations about 'automaticity' and 'hidden triggers'— the concerns that on a decision so crucial we should not rush into military action. . . . Let me be equally clear. . . . There is no 'automaticity' in this Resolution. If there is a further Iraqi breach of its

disarmament obligations, the matter will return to the Council for discussion as required."²³⁹

After this failure, the Bush Administration continued to pursue its strategy of using the United Nations action to justify military action, dismissing the inspection process recently approved by the UN. Almost immediately, United States officials made it clear that the Bush Administration would invade Iraq regardless of the outcome of the recently authorized weapons inspection process. In late November, Richard Perle, a member of the Defense Policy Board, attended a meeting on global security with members of the British Parliament. At one point he argued that the weapons inspection team might be unable to find Saddam's arsenal of banned weapons because they are so well hidden. According to the *London Mirror*, he then states that the US would "attack Iraq even if UN inspectors fail to find weapons," admitting that a "clean bill of health" from UN chief weapons inspector Hans Blix would not halt America's war machine.²⁴⁰

On December 7, 2002, the Iraqis issued a 12,000-page document, accounting for the state of Iraq's weapons programs. The Bush Administration immediately asserted that the report constituted a "material breach,"²⁴¹ zeroing in on the charge that the Iraqi declaration failed to mention the now-discredited theory that Iraq was attempting to acquire uranium from Niger.²⁴² Vice President Cheney went so far as to inform Hans Blix that the purpose of the inspectors was to find WMD, and that war was coming in any event. Blix recounted that Cheney:

stated the position that inspections, if they do not give results, cannot go on forever, and said the U.S. was "ready to discredit inspections in favor of disarmament." A pretty straight way, I thought, of saying that if we did not soon find the weapons of mass destruction that the U.S.

was convinced Iraq possessed (though they did not know where), the U.S. would be ready to say that the inspectors were useless and embark on disarmament by other means.²⁴³

By December 2002 and January 2003, it was becoming increasingly apparent that the Bush Administration was not providing full cooperation with UN inspection teams. In December, UNMOVIC weapons inspection leader Hans Blix had called on the United States to share its intelligence information with inspectors. “Of course we would like to have as much information from any member state as to evidence they may have on weapons of mass destruction, and, in particular, sites,” he says.²⁴⁴ “Because we are inspectors, we can go to sites. They may be listening to what’s going on and they may have lots of other sources of information. But we can go to the sites legitimately and legally.”²⁴⁵ As observed in *The New York Times*: “On one hand, administration officials are pressing him to work faster and send out more inspectors to more places to undermine Baghdad’s ability to conceal any hidden programs. At the same time, Washington has been holding back its intelligence, waiting to see what Iraq will say in its declaration.”²⁴⁶

On February 20, 2003, CBS News reported: “UN arms inspectors are privately complaining about the quality of US intelligence and accusing the United States of sending them on wild-goose chases. . . . The inspectors have become so frustrated trying to chase down unspecific or ambiguous US leads that they’ve begun to express that anger privately in no uncertain terms. . . . UN sources have told CBS News that American tips have lead to one dead end after another.” And whatever intelligence has been provided, reports CBS, has turned out to be “circumstantial, outdated or just plain wrong.”²⁴⁷

Moreover, despite repeated assurances of cooperation, the IAEA received no information on the Niger-uranium claim until the day before Powell’s United Nations presentation, even though Bush Administration officials had such information for over a year and provision of information was mandated by U. N. Resolution 1441:

The U.S. Mission in Vienna provided the IAEA with an oral briefing while Jacques Baute was en route to New York, leaving no printed material with the nuclear inspectors. **As IAEA officials recount, an astonished Baute told his aides, “That won’t do. I want the actual documentary evidence.”** He had to register his complaints through a United Nations Monitoring, Verification, and Inspection Commission (UNMOVIC) channel before receiving the documents the day Powell spoke. It was an incident that would characterize America’s intelligence-sharing with the IAEA.²⁴⁸

By late January, the UN was not finding any evidence that Iraq had reinitiated its nuclear program, which in turn was leading to a furor in the Bush Administration. Thus on January 27, the UN issued a press release regarding Iraq’s response to



Resolution 1441 and stated that “it would appear that Iraq had decided in principle to provide cooperation on substance in order to complete the disarmament task through inspection.”²⁴⁹ Although there were some outstanding issues and questions concerning chemical and biological weapons, the press release stated that the UN weapons inspectors had reported that after 60 days of inspections with a total of 139 inspections at 106 locations, they had found “no evidence that Iraq had revived its nuclear weapons programme” and “no prohibited nuclear activities had been identified.”²⁵⁰

According to Bob Woodward, the accounts of Iraqis cooperating with UN weapons inspectors by opening up buildings “infuriated” President Bush, who believed, in Woodward’s words, that the “unanimous international consensus of the November [UN] resolution was beginning to fray.”²⁵¹ President Bush told Rice that the “pressure isn’t holding together.” President Bush also commented about the antiwar protests in the United States and Europe.²⁵²

These issues arose in the run up to Secretary of State Colin Powell’s February 5, 2003, presentation to the United Nations Security Council. To the Bush Administration’s chagrin, the presentation did not produce a “smoking gun” that would cause other members of the Council to join in efforts to authorize the use of force. Indeed, it now appears clear that by this time, the Bush Administration had no intelligence of its own that could provide hard evidence to support any claim that Saddam Hussein possessed any WMD threatening the United States.

On February 14, Hans Blix appeared before the Security Council and essentially contradicted Powell’s presentation: “The trucks that Powell had described as being used for chemical decontamination, Blix said, could just as easily have been used for ‘routine activity.’” He contradicted Powell’s assertion that the Iraqis knew in advance when the inspectors would be arriving. Mohamed ElBaradei of the IAEA weighed in as well, insisting that, at least on the nuclear front, there was no evidence Saddam had any viable program. Further, Blix said that Iraq was finally taking steps toward real cooperation with the inspectors, allowing them to enter Iraqi presidential palaces, among other previously proscribed sites.”²⁵³

On February 24, 2003, the Bush Administration opted to propose the long-awaited “second resolution” authorizing war.²⁵⁴ Although the resolution was ultimately withdrawn on March 17, 2003, without a vote – even though President Bush had assured all concerned that there would be a vote “no matter what the whip count is”²⁵⁵ – the Bush Administration’s desperate tactics to obtain passage, even to the point of wiretapping the communications of Security Council Members, belie the true purpose of the United Nations route.

For example, the Bush Administration engaged in a secret “dirty tricks” campaign against UN Security Council delegations as part of its struggle to win votes in favor of the requisite second resolution. A memorandum written by a top official

at the U.S. National Security Agency details an aggressive surveillance operation that involved the interception of home and office telephone calls and e-mails and was particularly directed at “UN Security Council Members (minus US and GBR, of course).”²⁵⁶ The memo was directed at senior NSA officials and advises them that the agency is “mounting a surge” aimed at gleaning information not only on how delegations on the Security Council will vote on any second resolution on Iraq, but also “policies,” “negotiating positions,” “alliances” and “dependencies” – the “whole gamut of information that could give US policymakers an edge in obtaining results favorable to US goals or to head off surprises.”²⁵⁷

The existence of this surveillance operation severely undercut the credibility and efforts of the Administration to win over undecided delegations. In addition, diplomats complained about the outright “hostility” of U.S. tactics to persuade them to fall in line, including threats such as receiving the “unpleasant economic consequences of standing up to the US.”²⁵⁸

Further proof that the Bush Administration used the United Nations as a pretext for war can be seen in the fact that by March, after it was clear the votes did not exist for a second resolution, the Administration engaged in furious and frantic efforts to develop the legal cover to justify military action.²⁵⁹ Thus, the Bush Administration began to argue that the invasion would be pursuant to a Security Council Resolution.²⁶⁰ In a speech immediately preceding the invasion, President Bush cited to three previous UN Security Council resolutions that purportedly conferred legal authorization for force. These were: (1) the recent Resolution 1441, which dealt with the renewed weapons inspections; (2) Resolution 678, adopted in 1990, authorizing force in the Persian Gulf war; and (3) Resolution 687, adopted shortly after the war ended, imposing economic sanctions and calling for the surrender for WMD.²⁶¹

The Bush administration’s legal justifications for changing course and action without a second resolution also lack credibility. With respect to Resolution 1441, the clear weight of authority signaled that it did not in itself authorize force and that the Administration would need a second resolution from the Security Council. In fact, the U.K. Attorney General, Lord Goldsmith, expressed this view to Prime Minister Blair days before the invasion of Iraq.²⁶² With respect to a violation of Resolution 687, which would trigger the use of force contemplated in 678, the British authorities cited in the March 2002 Legal Background Paper included in the Downing Street Minutes note that the United States is the only country in the world that was claiming that an explicit authorization from the U.N. to enforce U.N. resolutions by invading Iraq was not needed: “As the cease-fire was proclaimed by the Council in 687 (1991), it is for the Council to assess whether any such breach of those obligations has occurred . . . [t]he US have a rather different view: they maintain that the assessment of breach is for individual member States. We are not aware of any other State which supports this view.”²⁶³



Even Richard Perle, a noted war hawk, acknowledged that legal precedent did not support the unilateral action taken by the Bush and Blair Administration. Before an audience in London, he admitted that “international law . . . would have required us to leave Saddam Hussein alone.”²⁶⁴

While the Bush Administration was forced to make these far fetched legal arguments, British legal authorities found themselves in the position of having to completely reverse their initial assessments of the illegality of the war. Thus, although as recently as Spring 2002, it was clear British legal advisors understood that applicable international law did not justify military action,²⁶⁵ less than one year later, British authorities were altering their legal analysis and conclusions. For example, on March 17, 2003, the British Attorney General produced a memo that provided an unequivocal justification for the use of force, which contained no caveats or reservations. His new view, which still remains contentious in Britain, was that authority to use force existed from the “combined effects” of UN Security Council Resolutions.²⁶⁶

This abrupt about face led to a legal storm in the United Kingdom and a wave of resignations.²⁶⁷ As Ray McGovern testified at a hearing on the Downing Street Minutes, the British documents on this point “show a panic, a veritable panic among British lawyers, and I think perhaps you can all identify with this. They were befuddled. The decision had been made for war. Their prime minister had opted on to this scheme and they were trying to figure out a way how it could be legally justified.”²⁶⁸

One casualty, Elizabeth Wimshurst, Deputy Legal Adviser at the British Foreign Office, stated in her letter of resignation in protest of the war that the invasion of Iraq is a “crime of aggression.”²⁶⁹ She said she could not agree to military action in circumstances she described as “so detrimental to the international order and the rule of law.”²⁷⁰ She also noted:

I regret that I cannot agree that it is lawful to use force against Iraq without a second Security Council resolution to revive the authorization given in SCR 678. I do not need to set out my reasoning; you are aware of it. My views accord with the advice that has been given consistently in this office before and after the adoption of UN Security Council resolution 1441 and with what the attorney general gave us to understand was his view prior to his letter of 7 March. (The view expressed in that letter has of course changed again into what is now the official line.).²⁷¹



⁵⁹*Meet the Press* (NBC television broadcast, Sept. 8, 2002).

⁶⁰Secretary Donald Rumsfeld, Press Briefing (Sept. 16, 2002).

⁶¹*U.S. Policy Toward Iraq: Hearing before the U.S. House Comm. on International Relations*, 107th Cong., 2d Sess. (Sept. 19, 2002) (statement of Secretary Powell) (emphasis added).

⁶²President George W. Bush, Remarks After Meeting with Members of Congress (Oct. 1, 2002), *available at* <http://www.whitehouse.gov/news/releases/2002/10/20021001-1.html> (emphasis added).

⁶³President George W. Bush, Remarks at Presidential Hall (Nov. 7, 2002), *available at* <http://www.whitehouse.gov/news/releases/2002/11/20021107-2.html> (emphasis added).

⁶⁴President George W. Bush, President Bush Signs Child Internet Safety Legislation (Dec. 4, 2002), *available at* <http://www.whitehouse.gov/news/releases/2002/12/20021204-1.html>.

⁶⁵President George W. Bush, Remarks on Iraq and North Korea (Dec. 31, 2002), *available at* <http://www.whitehouse.gov/news/releases/2002/12/20021231-1.html>.

⁶⁶President George W. Bush, Remarks at Prairie Chapel Ranch, (Jan. 2, 2003), *available at* <http://www.whitehouse.gov/news/releases/2003/01/20030102.html>.

⁶⁷President George W. Bush, Address to the Nation (Mar. 6, 2003), *available at* <http://www.whitehouse.gov/news/releases/2003/03/20030306-8.html>.

⁶⁸President George W. Bush, President's Radio Address (Mar. 8, 2003), *available at* <http://www.whitehouse.gov/news/releases/2003/03/20030308-1.html>.

⁶⁹President George W. Bush, Address to the Nation (Mar. 17, 2003), *available at* <http://www.whitehouse.gov/news/releases/2003/03/20030317-7.html>.

⁷⁰ *60 Minutes* (CBS television broadcast, Jan. 11, 2004) (emphasis added), *available at* <http://www.cbsnews.com/stories/2004/01/09/60minutes/main592330.shtml>.

⁷¹Russ Baker, *Bush Wanted to Invade Iraq if Elected in 2000*, GNN.TV, Oct. 27, 2004 (emphasis added), *available at* <http://www.gnn.tv/articles/article.php?id=761>

⁷²*Id.*

⁷³See Bryan Bender, *Indictments Put Focus on Neoconservatives*, BOSTON GLOBE, Oct. 29, 2005, at A12.

⁷⁴The President, Remarks by the President at John Cornyn for Senate Reception (Sept. 26, 2002) (emphasis added), *available at* <http://www.whitehouse.gov/news/releases/2002/09/20020926-17.html>. Former President H.W. Bush visited Kuwait between April 14 and April 16, 1993, to commemorate the victory over Iraq in the Persian Gulf War. During Bush's visit, Kuwaiti authorities arrested 17 people, allegedly linked to Saddam Hussein, who were involved in a plot to kill him. *Suspect Admits Targeting Bush for Bomb, Kuwaiti Says*, CHICAGO TRIB., Apr. 28, 1993, at 7.

⁷⁵See Bryan Burrough, Evgenia Peretz, David Rose, & David Wise, *The Path to War*, VANITY FAIR, May 1, 2004, at 228.

⁷⁶Letter from Elliott Abrams, Richard L. Armitage, William J. Bennett, Jeffrey Bergner, John Bolton,



Paula Dobriansky, Francis Fukuyama, Robert Kagan, Zalmay Khalilzad, William Kristol, Richard Perle, Peter W. Rodman, Donald Rumsfeld, William Schneider, Jr., Vin Weber, Paul Wolfowitz, R. James Woolsey & Robert B. Zoellick to President William J. Clinton (Jan. 26, 1998), *available at* <http://www.newamericancentury.org/iraqclintonletter.htm>.

⁷⁷*Id.*

⁷⁸Zalmay Khalilzad & Paul Wolfowitz, *Overthrow Him*, WEEKLY STANDARD, Dec. 1, 1997, at 14; *see also* Glenn Kessler, *U.S. Decision on Iraq Has Puzzling Past: Opponents of War Wonder When, How Policy was Set*, January 12, 2003, WASH. POST, at A1.

⁷⁹PROJECT FOR A NEW AMERICAN CENTURY, REBUILDING AMERICA'S DEFENSES: STRATEGY, FORCES AND RESOURCES FOR A NEW CENTURY 14 (Sept. 2000) (emphasis added), *available at* <http://newamericancentury.org/RebuildingAmericasDefenses.pdf>.

⁸⁰*60 Minutes* (CBS television broadcast, Jan. 11, 2004) (emphasis added), *available at* <http://www.cbsnews.com/stories/2004/01/09/60minutes/main592330.shtml>.

⁸¹*Id.* (statement of Ron Suskind).

⁸²*BBC News: the Secret U.S. Plan for Iraq's Oil* (BBC television broadcast, Mar. 21, 2005), *available at* <http://www.gregpalast.com/detail.cfm?artid=419&row=1>.

⁸³The Pentagon, Foreign Suitors for Iraqi Oilfield Contracts (Mar. 5, 2001), *available at* <http://www.judicialwatch.org/IraqOilFrngSuitors.pdf>.

⁸⁴*Id.*

⁸⁵George Packer, *THE ASSASSINS' GATE: AMERICA IN IRAQ* 45 (Farrar, Strauss, Gerioux, 2005);

⁸⁶*Plans for Iraq Attack Began on 9/11*, CBSNEWS.COM, Sept. 4, 2002, *available at* <http://www.cbsnews.com/stories/2002/09/04/september11/main520830.shtml>.

⁸⁷*Id.*

⁸⁸John B. Judis & Spencer Ackerman, *The First Casualty*, THE NEW REPUBLIC, June 30, 2003, at 14.

⁸⁹Richard A. Clarke, *AGAINST ALL ENEMIES: INSIDE AMERICA'S WAR ON TERROR* 32 (2004) (emphasis added).

⁹⁰*Meet the Press: Interview with Senator Trent Lott* (NBC television broadcast, Aug. 21, 2005) (emphasis added), *available at* <http://www.msnbc.msn.com/id/8926876/>.

⁹¹*Meet the Press: Interview with General Wesley Clark* (NBC television broadcast, June 15, 2003) (emphasis added), *available at* <http://securingamerica.com/ccn/node/1147>.

⁹²*Id.*

⁹³*Id.* The board's meetings amount to a form of "organized brainstorming" with the Defense Secretary, his key lieutenants, and a group of well-informed outsiders, all of whom are cleared to have access to classified intelligence.

⁹⁴Cite with (emphasis added)

⁹⁵The 9-11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States 559-560 (2004) (emphasis added) [hereinafter 9-11 Report], *available at* <http://www.9-11commission.gov/report/911Report.pdf>.

⁹⁶David Rose, *Bush and Blair Made Secret Pact for Iraq War*, THE OBSERVER, Apr. 4, 2004, at 1.

⁹⁷*60 Minutes: Interview with Bob Woodward* (CBS television broadcast, Apr. 18, 2004) (emphasis added).

⁹⁸President George W. Bush, State of the Union Address (Jan. 29, 2002), *available at* <http://www.whitehouse.gov/news/releases/2002/01/20020129-11.html>.

⁹⁹? James Mann, RISE OF THE VULCANS: THE HISTORY OF BUSH'S WAR CABINET 318 (2004).

¹⁰⁰Senator Bob Graham, Remarks to the Council on Foreign Relations (Mar. 26, 2004), *available at* http://www.cfr.org/publication/6905/senator_bob_graham_remarks_to_the_council_on_foreign_relations.html?breadcrumb=default.

¹⁰¹? Bob Woodward, PLAN OF ATTACK, 136-137, (2004) (emphasis added).

¹⁰²*60 Minutes: Interview with Bob Woodward* (CBS television broadcast, Apr. 18, 2004), *available at* www.cbsnews.com/stories/2004/04/15/60minutes/main612067.shtml.

¹⁰³2002 Supplemental Appropriations Act for Further Recovery From and Response to Terrorist Attacks on the United States, Pub. L. No. 107-206, 116 Stat. 820 (2002) (does not mention Iraq); Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act of 2002, Pub. L. No. 107-117, 115 Stat. 2230 (2002) (does not mention Iraq).

¹⁰⁴Seymour Hersh, *Annals of National Security: Stovepipe*, THE NEW YORKER, Oct. 27, 2003, at 77.

¹⁰⁵Warren P. Strobel & John Walcott, *Bush Has Decided to Overthrow Hussein*, KNIGHT RIDDER, Feb. 13, 2002.

¹⁰⁶Seymour Hersh, *Annals of National Security: Stovepipe*, THE NEW YORKER, Oct. 27, 2003, at 77 (emphasis added).

¹⁰⁷George Packer, THE ASSASSINS' GATE: AMERICA IN IRAQ **page** (Farrar, Strauss, Gerioux, 2005); *see also* Michael Elliott & James Carney, *First Stop, Iraq*, CNN.COM, Mar. 24, 2003, *available at* <http://www.cnn.com/2003/ALLPOLITICS/03/24/timep.saddam.tm/>.

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¹⁰⁹*Id.* ?

¹¹⁰*60 Minutes: Interview with Bob Woodward* (CBS television broadcast, Apr. 18, 2004), *available at* www.cbsnews.com/stories/2004/04/15/60minutes/main612067.shtml; *see also* Bob Woodward, PLAN OF ATTACK (2004).

¹¹¹Glenn Kessler, *U.S. Decision on Iraq Has Puzzling Past*, WASH. POST, Jan. 12, 2003, at A1.

¹¹²Rowan Scarborough, *U.S. Rushed Post-Saddam Planning*, WASH. TIMES, Sept. 3, 2003, *available at* <http://www.washingtontimes.com/national/20030903-120317-9393r.htm>.



¹¹³Adel Safty, *Forcible Occupation of Iraq Is a Man-made Disaster*, Gulf News, January 3, 2005, available at <http://search.gulfnews.com/articles/05/01/03/146204.html>.

¹¹⁴Thom Shanker & David E. Sanger, *U.S. Envisions Blueprint on Iraq Including Big Invasion Next Year*, N.Y. TIMES, Apr. 28, 2002, at 11.

¹¹⁵Michael Smith, *British Bombing Raids Were Illegal, Says Foreign Office*, SUNDAY TIMES, June 19, 2005, at 7.

¹¹⁶? Michael Smith, *RAF Bombing Raids Tried to Goad Saddam Into War*, SUNDAY TIMES, May 29, 2005, at 2. The decision to spike activity to increase pressure on Iraq appears to have been discussed as early as December 2001, when, according to U.S. General Tommy Franks' book, WHO???said to Donald Rumsfeld that he was thinking of "spurts of activity followed by periods of inactivity. We want the Iraqis to become accustomed to military expansion, and then apparent contraction." CITE. Franks added that "[a]s Phase I is completed, we could flow steadily for the next sixty days, while continuing spikes of activity to lend credence to our deception. . . . [d]uring the sixty days we would increase kinetic strikes in the no-fly zones to weaken Iraq's integrated air defenses." CITE.

¹¹⁷*Democratic Hearing on Downing Street Minutes*, Before the H. Comm. on the Judiciary (2005) (testimony of Ray McGovern) (emphasis added).

¹¹⁸Larisa Alexandrova & John Byrne, *The Unofficial War: U.S., Britain Led Massive Secret Bombing Campaign Before Iraq War Was Declared*, RAWSTORY.COM, June 27, 2005, available at http://rawstory.com/news/2005/The_unofficial_war_U.S._and_Britain_led_massive_air_campaign_before_Iraq_war_be_0627.html.

¹¹⁹Michael Smith, *RAF Bombing Raids Tried to Goad Saddam Into War*, SUNDAY TIMES, May 29, 2005, at 2.

¹²⁰Robert Winnett, *Key No 10 Aids Were Split Over War*, SUNDAY TIMES, July 31, 2005, at 7.

¹²¹*Id.*

¹²²*Id.*

¹²³Michael Smith, *RAF Bombing Raids Tried to Goad Saddam Into War*, SUNDAY TIMES, May 29, 2005, at 2.

¹²⁴Michael Smith, *General Admits to Secret Air War*, SUNDAY TIMES, June 26, 2005, at 2.

¹²⁵John Byrne, *U.S. changed Iraq policy to begin air strikes months before war*, RAWSTORY.COM, available at http://rawstory.com/news/2005/U.S._changed_Iraq_policy_to_begin_airstrikes_months_before_0630.html.

¹²⁶¹²⁷Memorandum from the Office of the Overseas and Defense Secretariat to Personal Secret UK Eyes Only (Mar. 8, 2002), at 1, available at <http://downingstreetmemo.com/docs/iraqoptions.pdf> [*hereinafter* Options Paper].

¹²⁸*Id.* (emphasis added).

¹²⁹*Id.* at 10 (emphasis added).



¹³⁰Memorandum from the Foreign and Commonwealth Office to the Prime Minister (Mar. 2002), *available at* <http://www.timesonline.co.uk/article/0,,2087-1654697,00.html> [*hereinafter* Legal Background Paper].

¹³¹*Id.*

¹³²Memorandum from David Manning, U.K. Foreign Policy Advisor, to the Prime Minister (Mar. 14, 2002), *available at* <http://downingstreetmemo.com/docs/manning.pdf> [*hereinafter* David Manning Memo].

¹³³*Id.*

¹³⁴*Id.*

¹³⁵Memorandum from Christopher Meyer, U.K. Ambassador to U.S., to David Manning, U.K. Foreign Policy Advisor (Mar. 18, 2002) (emphasis added), *available at* <http://www.afterdowningstreet.org/?q=node/837> [*hereinafter* Meyer Memo].

¹³⁶*Id.*

¹³⁷*Id.*

¹³⁸David Rose, *Bush and Blair Made Secret Pact for Iraq War*, THE OBSERVER, Apr. 4, 2004, at 1 (emphasis added).

¹³⁹Memorandum from Peter Ricketts, Political Director of the U.K. Foreign and Commonwealth Office, to Jack Straw, U.K. Foreign Secretary (Mar. 22, 2002), *available at* <http://downingstreetmemo.com/docs/ricketts.pdf> [*hereinafter* Ricketts Memo].

¹⁴⁰*Id.*

¹⁴¹*Id.* (emphasis added).

¹⁴²Memorandum from Jack Straw, U.K. Foreign Secretary, to the Prime Minister (Mar. 25, 2002), *available at* <http://downingstreetmemo.com/docs/straw.pdf> [*hereinafter* Straw Memo].

¹⁴³*Id.*

¹⁴⁴*Id.* (emphasis added).

¹⁴⁵*Id.*

¹⁴⁶*Id.* (emphasis added).

¹⁴⁷*Id.*

¹⁴⁸Memorandum from Cabinet Office (July 21, 2002) (emphasis added), *available at* http://www.timesonline.co.uk/article/0,,2089-1648758_1,00.html [*hereinafter* Cabinet Office Paper].

¹⁴⁹*Id.* (emphasis added).

¹⁵⁰*Id.*

¹⁵¹Downing Street Minutes at 1.



¹⁵² *Id.* (emphasis added).

¹⁵³ Downing Street Minutes at 2.

¹⁵⁴ *Id.* (emphasis added).

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ *Id.* (emphasis added).

¹⁵⁸ *Id.*; see also Cabinet Office Paper.

¹⁵⁹ See Carmen Yarrusso, *Downing Street Memos explained in Plain English*, AFTERDOWNINGSTREET.ORG, June 24, 2005, available at <http://www.afterdowningstreet.org/?q=node/506>. (explaining that Bush Administration characterizations of the leaked Downing Street Minutes as insignificant is incorrect since the documents clearly indicate the beliefs of people working closely with Bush's top war planners, with access to privileged US information).

¹⁶⁰ *Democratic Forum on the "Downing Street Minutes,"* (June 16, 2005) (statement of Cindy Sheehan).

¹⁶¹ Warren P. Strobel & John Walcott, *Downing Street Memo Indicates Bush Made Intelligence Fit Iraq Policy*, KNIGHT RIDDER, May 5, 2005.

¹⁶² Michael Isikoff & Mark Hosenball, *From Downing Street to Capitol Hill*, NEWSWEEK.COM, June 17, 2005, available at <http://www.msnbc.msn.com/id/8234762/site/newsweek/>.

¹⁶³ Bryan Burrough, Evgenia Peretz, David Rose, & David Wise, *The Path to War*, VANITY FAIR, May 1, 2004, at 228 (emphasis added).

¹⁶⁴ *Id.* (emphasis added).

¹⁶⁵ ROBIN COOK, *THE POINT OF DEPARTURE* (Simon & Schuster, 2003).

¹⁶⁶ Elisabeth Bumiller, *Bush Aides Set Strategy to Sell Policy on Iraq*, N.Y. TIMES, Sept. 7, 2002, at A1.

¹⁶⁷ Mark Danner, *The Secret Way to War*, N.Y. REV. OF BOOKS, June 9, 2005, available at <http://www.nybooks.com/articles/18034>.

¹⁶⁸ *Id.*

¹⁶⁹ *Meet the Press: Interview with Vice-President Dick Cheney*, (NBC television broadcast, Mar. 16, 2003), available at <http://msnbc.msn.com/id/3080244/s>.

¹⁷⁰ In his autobiography "American Soldier," retired U.S. General Tommy Franks, who led the 2003 invasion of Iraq, invoked the "spikes" phrase—as far back as 2001: "I'm thinking in terms of spikes, Mr. Secretary," he wrote, referencing a conversation with Defense Secretary Donald Rumsfeld in December 2001, "spurts of activity followed by periods of inactivity. We want the Iraqis to become accustomed to military expansion, and then apparent contraction." GEN. TOMMY FRANKS, *AMERICAN SOLDIER* 366 (Regan Books, 2004).

¹⁷¹ A total of 21,736 sorties were flown over southern Iraq between June 2002 and the beginning of the



war. According to a document found by Larisa Alexandrovna of RawStory.com, Lieutenant-General T Michael Moseley said that the “spikes of activity” were part of a covert air war. According to Moseley, the attacks, “laid the foundation” for the war. John Byrne, *U.S. changed Iraq policy to begin air strikes months before war*, Rawstory.com, available at http://rawstory.com/news/2005/U.S._changed_Iraq_policy_to_begin_airstrikes_months_before_0630.html.

¹⁷²Downing Street Minutes, at 2.

¹⁷³ **can't locate this document anywhere.**

¹⁷⁴Michael Smith, *Failure is not an option, but it doesn't mean they will avoid it*, SUNDAY TELEGRAPH, Sept. 18, 2004, at 4. Former British Ambassador Christopher Meyer also recounts the summit in detail in his memoirs. See Julian Glover & Ewen MacAskill, *Blair's litany of failures on Iraq - ambassador's damning verdict: Meyer says PM failed to exert any leverage on Bush and was seduced by US power*, THE GUARDIAN, Nov. 7, 2005 (citing Sir Christopher Meyer's memoirs) Cite the actual memoirs

¹⁷⁵*War Protesters Keep Pressure On*, CBSNEWS.COM, Mar. 30, 2003, available at <http://www.cbsnews.com/stories/2003/03/31/iraq/main547001.shtml>.

¹⁷⁶Andrew Brookes, *Combat Air Force Assets in Place Around Iraq As at 21 March 2003*, International Institute for Strategic Studies, available at www.iiss.org.

¹⁷⁷Iraq Coalition Troops: Non US-Forces In Iraq, available at globalsecurity.org/military/ops/iraq_orbat_coalition.htm.

¹⁷⁸The White House, Operation Iraqi Freedom: Statement of Support from Coalition (Mar. 26, 2003), available at <http://www.whitehouse.gov/news/releases/2003/03/20030326-7.html>.

¹⁷⁹Memorandum from Cabinet Office (July 21, 2002), available at http://www.timesonline.co.uk/article/0,,2089-1648758_1,00.html.

¹⁸⁰I have no idea what to do with this.

¹⁸¹As Robert Parry explained, “From the start of its drive to invade Iraq, the administration treated the war like a public relations game, with the goal of manufacturing consent or at least silencing any meaningful opposition.” Robert Parry, *Why U.S. Intelligence Failed*, CONSORTIUMNEWS.COM, Oct. 22, 2003, available at <http://www.consortiumnews.com/2003/102203.html>. As part of that plan, it also appears that the Bush Administration has sought to convince the public that they had a viable plan for occupation of Iraq when they did not.

¹⁸²The Cabinet Office Paper includes several additional expectations concerning the Blair government's design to sell the public on the need for preemptive military action. Among other things, the paper explains that a condition for military action includes “the preparation of domestic opinion” and goes on to emphasize that “[t]ime will be required to prepare public opinion in the U.K. that it is necessary to take military action against Saddam Hussein . . . [a]n information campaign will be needed . . . [t]his will need to give full coverage to the threat posed by Saddam Hussein, including his WMD. Ricketts Memo, *supra*, at 1. The Ricketts Memo goes on to emphasize the difficult public relations problem expected by the Iraq war, observing that “we are still left with a problem of bringing public opinion to accept the imminence of a threat from Iraq. This is something the Prime Minister and President need to have a frank discussion about.” *Id.* Later on, the Ricketts Memo emphasizes how “much better” it will be to use weapons of mass destruction as the rationale for war: “For Iraq, ‘regime change’ does not stack up. It sounds like a grudge between Bush and Saddam. Much better, as you have suggested, to



make the objective ending the threat to the international community from Iraqi [weapons of mass destruction] before Saddam uses it or gives it to terrorists. This is at once easier to justify in terms of international law but also more demanding.” *Id.*

Other portions of the Downing Street Minutes further anticipate the British government’s need to emphasize public relations and marketing with regard to the justification for the upcoming war:

- British Ambassador Christopher Meyer wrote that when he met with Paul Wolfowitz, “[w]e backed regime change, but the plan had to be clever and failure was not an option . . . [i]f the UK were to join with the U.S. in any operation against Saddam, we would have to be able to take a critical mass of parliamentary and public opinion with us. Memorandum from Christopher Meyer, U.K. Ambassador to U.S., to David Manning, U.K. Foreign Policy Advisor (Mar. 18, 2002) (emphasis added), *available at* <http://www.afterdowningstreet.org/?q=node/837>.
- The British Office of the Overseas and Defense Secretariat in the Iraq Options Paper stated that attacking Iraq required “sensitising the public: a media campaign to warn of the dangers that Saddam poses and to prepare public opinion both in the UK and abroad.” Memorandum from the Office of the Overseas and Defense Secretariat to Personal Secret UK Eyes Only (Mar. 8, 2002), at 1 (emphasis added), *available at* <http://downingstreetmemo.com/docs/iraqoptions.pdf>.
- U.K. Foreign Secretary Jack Straw acknowledged that while regime change was the goal, it needed to be cloaked by reference to weapons of mass destruction: “regime change per se is no justification for military action; it could form part of the method of any strategy, but not a goal. Of course, we may want credibly to assert that regime change is an essential part of the strategy by which we have to achieve our ends – that of the elimination of Iraq’s WMD capacity: but the latter has to be the goal . . . Memorandum from Jack Straw, U.K. Foreign Secretary, to the Prime Minister (Mar. 25, 2002) (emphasis added), *available at* <http://downingstreetmemo.com/docs/straw.pdf>.

¹⁸³David Rennie, *Attack Saddam now and let history judge, says Rumsfeld*, DAILY TELEGRAPH, Aug. 21, 2002; Julian Borger & Richard Norton-Taylor, *Rumsfeld steps up Iraq war talk: US ‘cannot wait for arms proof’ like appeasers of Hitler did*, THE GUARDIAN, Aug. 22, 2002, at 2. (Same text.....) James Dao & Eric Schmitt, *A Nation Challenged: Hearts and Minds; Pentagon Readies Efforts To Sway Sentiment Abroad*, N.Y. TIMES, Feb. 19, 2002, at A1 (emphasis added).

¹⁸⁴Barton Gellman & Walter Pincus, *Depiction of Threat Outgrew Supporting Evidence*, WASH. POST, Aug. 10, 2003, at A01.

¹⁸⁵*Id.* (emphasis added).

¹⁸⁶Elisabeth Bumiller, *Bush Aides Set Strategy to Sell Policy on Iraq*, N.Y. TIMES, Sept. 7, 2002, at A1.

¹⁸⁷ABC News Transcript, April 25, 2003 (Page 301)

¹⁸⁸Sam Tanenhaus, *Bush’s Brain Trust*, VANITY FAIR, July 2003, at 114 (emphasis added).

¹⁸⁹Elisabeth Bumiller, *Bush Aides Set Strategy to Sell Policy on Iraq*, N.Y. TIMES, Sept. 7, 2002, at A1 (emphasis added).

^{190*}Walter Russell Mead, *The Revolutionary*, Esquire, Nov. 1, 2004. [cannot find article].

¹⁹¹Author? *The White House Criminal Conspiracy*, THE NATION, November 14, 2005.

¹⁹²David Barstow, William J. Broad, & Jeff Gerth, *How White House Embraced Suspect Iraq Arms Intelligence*, N.Y. TIMES, Oct. 3, 2004, at A1.



¹⁹³ Cite newsweek and say (emphasis added).

¹⁹⁴

¹⁹⁵ Barton Gellman, *A Leak, Then Then a Cascade; Did a Bush loyalist overstep the bounds in protecting the administration's case for war in Iraq and obstruct an investigation?* WASH. POST, Oct. 30, 2005, at A1 (emphasis added).

¹⁹⁶ Barton Gellman and Walter Pincus, *Depiction of Threat Outgrew Supporting Evidence*, WASH. POST, Aug. 10, 2003.

¹⁹⁷ *The Chris Matthews Show*, (MSNBC television broadcast, Sept. 11, 2005) (emphasis added). *PA believes this was NYT*

¹⁹⁸ Memorandum from Matthew Rycroft to David Manning, U.K. Foreign Policy Advisor (July 23, 2002), at 1, available at <http://www.timesonline.co.uk/article/0,,2087-1593607,00.html>.

¹⁹⁹ (*Can't find U.S. institute of peace interview!)

²⁰⁰ President's Remarks at the United Nations General Assembly (Sept. 12, 2002), available at <http://www.whitehouse.gov/news/releases/2002/09/20020912-1.html>.

²⁰¹ Jonathan S. Landay, *CIA leak illustrates selective use of intelligence on Iraq*, KNIGHT RIDDER, Oct. 26, 2005.

²⁰² *60 Minutes: Interview with Bob Woodward* (CBS television broadcast, Apr. 18, 2004) (emphasis added).

²⁰³ BOB WOODWARD, *PLAN OF ATTACK* 286 (Simon & Schuster 2004) (emphasis added).

²⁰⁴ Glen Kessler, *U.S. Decision On Iraq Has Puzzling Past; Opponents of War Wonder When, How Policy Was Set*, WASH. POST, Jan. 12, 2003, at A1.

²⁰⁵ *Id.*

²⁰⁶ Cite state of the union

²⁰⁷ Barton Gellman & Walter Pincus, *Depiction of Threat Outgrew Supporting Evidence*, WASH. POST, Aug. 10, 2003, at ____ (emphasis added).

²⁰⁸ *Department of Defense Budget Priorities FY 2004: hearing Before the House Comm. on Budget*, 108th Cong. 9 (2003) (statement of the Hon. Paul D. Wolfowitz, Deputy Secretary of Defense).

²⁰⁹ *Id.* – how is this the same footnote as above??

²¹⁰ *Meet the Press: Interview with Vice-President Dick Cheney* (NBC television broadcast, Mar. 16, 2003), available at <http://msnbc.msn.com/id/3080244/s>.

²¹¹ John Diamond, *CIA Review Faults Prewar Plans*, USA TODAY, Oct. 12, 2005, at A1 (emphasis added).

²¹² Bryan Burrough, Evgenia Peretz, David Rose & David Wise, *The Path to War*, VANITY FAIR, May 20, 2004, at 228 (emphasis added).



²¹³*Id.*

²¹⁴Bradley Graham, *Prewar Memo Warned of Gaps in Iraq Plans*, WASH. POST, Aug. 18, 2005, at A13.

²¹⁵*Id.*

²¹⁶*Id.*

²¹⁷Memorandum from Jack Straw, U.K. Foreign Secretary, to the Prime Minister (Mar. 25, 2002), *available at* <http://downingstreetmemo.com/docs/straw.pdf>.

²¹⁸*Id.* at 4 (emphasis added).

²¹⁹Memorandum from David Manning, U.K. Foreign Policy Advisor, to the Prime Minister (Mar. 14, 2002), *available at* <http://downingstreetmemo.com/docs/manning.pdf>.

²²⁰*Id.*

²²¹*Id.* (emphasis added).

²²²Memorandum from Cabinet Office (July 21, 2002) (emphasis added), *available at* http://www.timesonline.co.uk/article/0,,2089-1648758_1,00.html.

²²³DAVID CORN, *THE LIES OF GEORGE W. BUSH* (2004), ftnt. pg 240.

²²⁴HANS BLIX, *DISARMING IRAQ* 86 (Pantheon, 2004) (quoting the Vice President).

²²⁵BOB WOODWARD, *PLAN OF ATTACK* 162 (Simon & Schuster 2004).

²²⁶*Id.* (emphasis added).

²²⁷Mark Danner, *The Secret Way to War*, 52 N.Y. REV. OF BOOKS 10, June 9, 2005 (emphasis added).

²²⁸BOB WOODWARD, *PLAN OF ATTACK* 177-78 (Simon & Schuster 2004).

²²⁹*Id.*

²³⁰*Id.* Bush told Woodward, “And of course these Brits don’t know what cojones are.” *Id.*

²³¹*Id.*; *see also* Mark Danner, *The Secret Way to War*, 52 N.Y. REV. OF BOOKS 10, June 9, 2005.

²³²President George W. Bush, Remarks at the United Nations General Assembly (Sept. 12, 2002), *available at* <http://www.whitehouse.gov/news/releases/2002/09/20020912-1.html>.

²³³Bryan Burrough, Evgenia Peretz, David Rose, & David Wise, *The Path to War*, VANITY FAIR, May 1, 2004, at 285 (emphasis added).

²³⁴*Testimony Regarding Iraq: Hearing Before the S. Comm. on Armed Services*, 107th. Cong., 2d Sess. (2002) (testimony of Secretary of Defense Donald H. Rumsfeld), *available at* <http://www.dod.gov/speeches/2002/s20020919-secdef2.html>.

²³⁵President George W. Bush, Remarks from the Oval Office (Sept. 19, 2002), *available at* <http://www.whitehouse.gov/news/releases/2002/09/20020919-1.html>.



²³⁶Ewen MacAskill & Edward Pilkington, *Threat of War*, THE GUARDIAN, Nov. 13, 2002, at 13 (quoting Richard Perle).

²³⁷Cite resolution.

²³⁸Bryan Burrough, Evgenia Peretz, David Rose, & David Wise, *The Path to War*, VANITY FAIR, May 1, 2004, at 286.

²³⁹Mark Danner, *The Secret Way to War*, 52 N.Y. REV. OF BOOKS 10, June 9, 2005, at 72.

²⁴⁰Paul Gilfeather, *Bush Aide: Inspections or Not, We'll Attack Iraq*, MIRROR, Nov. 20, 2002, available at <http://www.mirror.co.uk/news/allnews/page.cfm?objectid=12377231&method=full&siteid=50143>. Peter Kilfoyle, a former defense minister and Labour backbencher, tells *The Mirror*: "America is duping the world into believing it supports these inspections. President Bush intends to go to war even if inspectors find nothing. This make a mockery of the whole process and exposes America's real determination to bomb Iraq." Cite with (emphasis added).

²⁴¹*Bush: 'A Disappointing Day' for Peace*, CNN.COM, Dec. 20, 2002, available at <http://archives.cnn.com/2002/US/12/20/sproject.iqr.un/>.

²⁴²*Id.*

²⁴³HANS BLIX, *DISARMING IRAQ* 86 (Pantheon, 2004) (emphasis added).

²⁴⁴*Id.*

²⁴⁵*Id.*

²⁴⁶Julia Preston, [*Threats And Responses: The Inspections: Weapon Inspector Asks U.S. To Share Secret Iraq Data*](#), N.Y. TIMES, Dec. 7, 2002, at 1.

²⁴⁷Cite.

²⁴⁸John B. Judis & Spencer Ackerman, *The First Casualty*, THE NEW REPUBLIC, June 30, 2003 at 24 (emphasis added).

²⁴⁹Press Release, United Nations Security Council, Security Council Briefed by Chief UN Weapons Experts on First 60 Days of Inspections in Iraq (January 27, 2003), available at <http://www.un.org/News/Press/docs/2003/sc7644.doc.htm>.

²⁵⁰*Id.*

²⁵¹BOB WOODWARD, *PLAN OF ATTACK* 253 (Simon & Schuster, 2004).

²⁵²*Id.*

²⁵³Bryan Burrough, Evgenia Peretz, David Rose, & David Wise, *The Path to War*, VANITY FAIR, May 1, 2004, at 290.

²⁵⁴The Resolution stated that Iraq "has failed to take the final opportunity afforded it in Resolution 1441." U.S., U.K., Spain Draft Resolution, U.S. Dep't of State, Feb. 24, 2003, available at <http://www.state.gov/p/io/rls/othr/17937.htm>. Again, high level British intelligence documents reveal that the Bush Administration was only viewing the United Nations process as a pretext to war,



not an actual mechanism for finding and eliminating WMD. The U.S. edition of Philippe Sands' book "Lawless World" refers to a conversation between President Bush and Prime Minister Blair on January 30, 2003, about whether to seek a second United Nations resolution. President Bush was reported to have agreed with Mr. Blair that "it made sense to try for a second resolution, which he would love to have." But President Bush was also said to be "worried about Saddam playing tricks" and that Hans Blix, the top United Nations weapons inspector, would report "that Saddam was beginning to cooperate." PHILIPPE SANDS, *LAWLESS WORLD* 185-7 (Viking, 2004).

²⁵⁵The following interchange occurred with the press:

Q: As you said, the Security Council faces a vote next week on a resolution implicitly authorizing an attack on Iraq. Will you call for a vote on that resolution, even if you aren't sure you have the vote?

THE PRESIDENT: Well, first, I don't think -- it basically says that he's in defiance of 1441. That's what the resolution says. And it's hard to believe anybody is saying he isn't in defiance of 1441, because 1441 said he must disarm. And, yes, we'll call for a vote.

Q No matter what?

THE PRESIDENT: No matter what the whip count is, we're calling for the vote. We want to see people stand up and say what their opinion is about Saddam Hussein and the utility of the United Nations Security Council. And so, you bet.

President George W. Bush, Press Conference (Mar. 6, 2003), *available at* <http://www.whitehouse.gov/news/releases/2003/03/20030306-8.html>.

²⁵⁶Martin Bright, Ed Vulliamy & Peter Beaumont, *Revealed: US Dirty Tricks To Win Vote on Iraq War*, *THE OBSERVER*, Mar. 2, 2003, at 1.

²⁵⁷*Id.*

²⁵⁸*Id.*

²⁵⁹A similar scramble took place in the U.K. Consider the following reported admission from Michael Boyce, the former British Chief of Defense Staff, on why he demanded an unequivocal assurance from British lawyers that the war was legal: "I wanted to make sure that we had this anchor which has been signed by the government law officer . . . [i]t may not stop us from being charged, but, by God, it would make sure other people were brought into the frame as well." Martin Bright, Ed Vulliamy & Peter Beaumont, *Revealed: US Dirty Tricks to Win Vote on Iraq War*, *THE OBSERVER*, Mar. 2, 2003 at 1. When questioned by *The Observer* whether he meant the Prime Minister and the Attorney General, Boyce replied: "Too bloody right." *Id.*

²⁶⁰As described by Professor Philippe Sands, "[b]y early March the only argument left, the only plausible justification, would be to run the argument that the Security Council had somehow already authorized the use of force." PHILIPPE SANDS, *LAWLESS WORLD* 178 (Penguin Group, 2005).

²⁶¹**Cite speech.** Of course, as noted above, it is clear that the opposite is true. For example, as the Cabinet Office Paper observes, "US views of international law vary from that of the UK and the international community. Regime change per se is not a proper basis for military action under international law." Cabinet Office Paper at 2. In addition, as the British legal advisors concluded in their March 8, 2002 Legal Background Memo, "[f]or the exercise of the right of self-defense there must be more than 'a threat.' There has to be an armed attack actual or imminent. The development of possession of nuclear weapons does not in itself amount to an armed attack; what would be needed



would be clear evidence of an imminent attack.” Legal Background Memo.

²⁶²Memorandum from Lord Goldsmith, U.K. Attorney General, to the Prime Minister (Mar. 7, 2003), *available at* <http://www.number-10.gov.uk/files/pdf/Iraq%20Resolution%201441.pdf>.

²⁶³ Cite legal background paper.

²⁶⁴Oliver Burkeman & Julian Borger, *War Critics Astonished as US Hawk Admits Invasion was Illegal*, *GUARDIAN*, Nov. 20, 2003, at 4.

²⁶⁵The March 8, 2002 Iraq Options Paper clearly articulates this: “[O]f itself, REGIME CHANGE has no basis in international law” and “[a] legal justification for invasion would be needed. Subject to Law Officers advice, none currently exists.” See Options Paper at 8. In addition, at the Blair war cabinet meeting of July 23, 2002, the then-U.K. Attorney General, Lord Goldsmith, directly informed Blair of the illegality of an invasion: “The Attorney-General said that the desire for regime change was not a legal base for military action. There were three possible legal bases: self-defense, humanitarian intervention, or UNSCR authorization. The first and second could not be the base in this case.” See Downing Street Minutes at 2. (Of course, as we now know, United Nations Security Council authority, while eventually sought, was never achieved).

²⁶⁶The Attorney-General’s Written Answer of 17 March 2003 Setting Out His View of the Legal Basis for the Use of Force Against Iraq (Mar. 17, 2003), *available at* <http://www.fco.gov.uk/Files/kfile/AG%20Written%20Answer%20of%2017%20March%202003,0.pdf>.

²⁶⁷On March 18, 2003, the Leader of the House of Commons and former Foreign Secretary Robin Cook resigned from the British Cabinet. Mr. Cook made clear his views on the adequacy of the intelligence and rejected the claim that Saddam had WMD. Cite.

²⁶⁸*Democratic Hearing on Downing Street Minutes, Before the H. Comm. on the Judiciary* (2005) (testimony of Ray McGovern).

²⁶⁹Letter from Elizabeth Wilmshurst, Deputy Legal Adviser to the Foreign Office, to Michael Wood, Legal Adviser, (Mar. 20, 2003), *available at* http://news.bbc.co.uk/2/hi/uk_news/politics/4377605.stm.

²⁷⁰*Id.*

²⁷¹*Id.* (emphasis added). This last sentence was redacted from the resignation letter made public in March of 2005. The unredacted version, containing this sentence, surfaced shortly thereafter, causing further difficulties for the British Attorney General and Blair government, who would now be accused of engaging in censorship.

